

C.I.G. Administrative Instructions 20-12

UNCLASSIFIED

CENTRAL INTELLIGENCE ~~GROUP~~ AGENCY
Washington, D. C.

STATINTL

ADMINISTRATIVE INSTRUCTION

17 APR 1947

23 April 1947

NUMBER 122

SUBJECT: Grievances and Complaints Procedure

Indexed 5/27/47

EFFECTIVE UNTIL 1 JUNE 1947 UNLESS SOONER RESCINDED

gmo

These instructions set forth the principles and procedures to be applied in the fair and equal handling of employee complaints and grievances in the Central Intelligence Group.

1. SCOPE

The provisions of this procedure apply to CIG personnel in Washington and in the field.

2. LEGAL AUTHORITY

Executive Order No. 7916, dated 24 June 1938, provides that the Personnel Director shall establish a Grievance Procedure, subject to the approval of the head of the agency and the U. S. Civil Service Commission. The Director, CIG, and the Civil Service Commission have approved the procedure outlined herein.

3. INFORMATION TO PERSONNEL

It is the responsibility of Administrative officials to thoroughly advise supervisory personnel of all provisions of this procedure, and to insure that all personnel are fully informed of their rights and privileges under these provisions.

4. DEFINITIONS

A complaint or grievance is usually an employee's expressed feeling of dissatisfaction with respect to his day-to-day work relationships, working conditions, or status of employment. It may be introduced orally or in writing. Such problems or misunderstandings are personal to an individual employee, and their solution usually affects only the particular employee involved. Problems affecting general working conditions or matters which have broad application, involving general policy or administrative practices, are not appropriate for consideration under this procedure. Requests and inquiries which do not fall in the category of grievances, should be referred to the employee's immediate supervisor. In all cases, decisions and reasons for action taken should be given the employee promptly and in sufficient detail.

(735)

EFFECTIVE 30 JUNE 1947 CIG MEMORANDA WILL REMAIN IN FORCE UNTIL CANCELLED OR SUPERSEDED
RENUMBERED PER CIA GENERAL ORDER

STATINTL

-2-

5. POLICY

- a) It is recognized that dissatisfaction on the part of employees may arise. This procedure is intended to provide and outline a standard outlet for such problems, and to give employees an opportunity to seek adjustment of any complaint or grievance without restraint, interference, coercion or reprisal.
- b) Separate procedures are provided in CSC Rules and Regulations for appeals of efficiency ratings, decisions on the classification of positions, involuntary separation during probationary or trial periods based on inability to perform the required duties, and decisions on administrative actions involving suspensions, involuntary separations and removals.

6. APPLICATIONS OF PROCEDURE

- a) This procedure applies to complaints and grievances which are personal to an employee.
- b) An employee who has completed his trial or probationary period and is being separated for inefficiency, will have the right to appeal under the Appeal Board Grievance Procedure.
- c) Employees who are terminated for cause, such as delinquency or misconduct, may exercise their right to appeal such removal under the Appeal Board provisions of this Procedure.
- d) An employee may not use the Grievance or Appeal Procedure as a delay in the application of administrative action or decisions. This does not preclude hearings which will be afforded an employee prior to disciplinary action or administrative decision. Such hearings are separate and apart from the appeal rights of the Grievance Procedure.
- e) Employees against whom complaints or grievances are brought shall be given the same rights under this Procedure as those accorded the employee originating the complaint or grievance.

7. STEPS AND CHANNELS

- a) In order that prompt solutions of complaints and grievances may be given, the following table and steps in the Procedure are established for channeling grievance matters. It is assumed that intermediate supervisors will be consulted and informed relative to action on cases involving employees under their general jurisdiction.
- b) First Stage - Immediate Supervisor;
Second Stage - Branch Chief;
Third Stage - Assistant Director of Office; and
Fourth Stage - Director, CIG
- c) First Stage - Immediate Supervisor
The employee should first and always take up with his immediate supervisor, orally or in writing, any question, grievance, complaint, misunderstanding, or similar difficulty. He may be accompanied by an employee from his own office who may serve as witness.

-3-

The supervisor will allow the employee to state his case fully and will promptly and objectively investigate the situation. A brief record of the case will be kept by the immediate supervisor for his own information and for possible reference should the matter be referred to higher authority.

d) Second Stage - Branch Chief

If the matter is not adjusted to the employee's satisfaction at the first stage and the employee desires to appeal, he shall submit his case in writing through his immediate supervisor, who will forward the original to the Branch Chief, and a copy of the appeal to the Chief, Personnel Division, CIG. The Branch Chief will give the employee full opportunity to explain his problem personally. The employee may be accompanied by not more than two CIG employees of his own choice who may be heard as witnesses. The Branch Chief will obtain all pertinent facts in the case by consulting with other persons concerned or having knowledge of the circumstances. A written record will be maintained by the Branch Chief, including a statement of the grievance, the names of persons concerned, the names of those with whom the matter has been discussed, a summary of findings, and a statement of action taken. The employee will be informed in writing of action taken at this level after full consideration has been given the case. A complete case record will be forwarded to the Chief, Personnel Division and to the Personnel Relations Section, Personnel Division.

e) Third Stage - Assistant Director

If the matter has not been settled to the satisfaction of the employee at the second stage, he may address an appeal to the Assistant Director, CIG, in the Office concerned. The request will be forwarded by hand through the Branch Chief to the Chief, Personnel Division. The Chief, Personnel Division, will forward the appeal and case records to the Assistant Director of the Office. The employee's appeal will request that an impartial Advisory Appeal Board be established to hear the case, and will state the name of the person he selects for Board Member. Upon receipt of the request, the Assistant Director of the Office will name a Member to the Advisory Appeal Board and will immediately notify the Chief, Personnel Division, of his selection. The two Members named will agree on, and appoint, a third Member, notifying the Chief, Personnel Division of such selection. If an agreement cannot be reached as to the selection of the Third Member, The Chief, Personnel Division, who automatically serves as Chairman of the Advisory Appeal Board, but in a non-voting capacity, will select the third Member to the Board. The Board, therefore, will consist of four Members, three of which will have voting status. Membership will be restricted to employees of CIG. The Chief, Personnel Division, will maintain absolute impartiality in his service on the Board. His responsibilities are to advise the Board as to proper procedure and regulations to see that proper records are maintained, and to insure expeditious handling of the matter.

-4-

The Chairman, will convene the Board, which will investigate the case promptly, review all pertinent papers and hear all persons, or receive such evidence as the Board, by majority vote, determines necessary. All Members and the employee will be present when a hearing is held, and the employee will be given ample opportunity to present his case. He may be accompanied or represented by not more than two employees of his own choice from CIG. The employee will notify the Chairman of the Board in writing of the names of such representatives prior to the time of the hearing. The Chairman of the Board will make necessary arrangements for the complete recording of all proceedings for administrative use. Upon request, this report will be made available to the employee. A written report, signed by the three Members and certified by the Chairman, including a statement of findings and recommendations, will be submitted to the Assistant Director of the Office, but will give no indication of individual opinions or recommendations. If a complete agreement cannot be reached, a majority decision will be binding. The Assistant Director of the Office will render a prompt decision and will inform the employee of such decision in writing. If the employee is dissatisfied with this decision, he may appeal to the Director, CIG.

f) Fourth Stage - Director, CIG

The employee will forward his written appeal to the Director, CIG, following the same procedure as outlined in the third stage. The Chief, Personnel Division, will act in the same capacity as outlined in the third stage. The Director will make a careful and impartial review of the records. If hearings are deemed necessary the employee will be heard and may have representation. The written decision of the Director will be final and the case will be considered closed. Complete records of the case in all stages will be maintained in the Personnel Relations Section, Personnel Division.

g) Conduct of Appeal Boards

Appeal Boards will conduct meetings in an orderly and informal manner. They will not function as a judicial or trial body. Appeal Boards will be established for the purpose of advising and assisting the appropriate authority in rendering a fair and unbiased decision based upon information and facts, and to advise the proper authority of findings and recommendations. The employees and witnesses may be subject to questioning. However, "cross-examinations" and technical "objection" to testimony by Board Members will not be tolerated. All proceedings relative to the Grievance Procedure will be carried out on official Government time and during the normal work day. Scheduled time off will not be granted the employee or his fellow-workers to prepare his case.

-5-

h) Time Limitations

Decisions at the first stage will be reached within three working days; at the second stage in not more than six working days; at the third and fourth stages in not more than ten days each. If for any reason the decision is delayed, the employee will be notified in writing of the delay, reasons for the delay, and the decision date. An employee will be allowed ten working days to appeal the decision rendered at the first, second and third stages. An appeal of separation or removal will be made within five working days from the time of the employee's receipt of the official notice of the action.

i) Expense and Travel

Travel or any other expenses which the employee, his representative or witnesses, might incur in connection with attendance at hearings granted at the employee's request, will not be borne by CIG. Annual leave, leave without pay, or a combination of both will be granted for actual travel time by any CIG employee involved in the case.

8. GENERAL

If grievances or complaints are submitted which are not in accordance with this procedure, the proper authority will advise the employee as to the proper procedure and approved provisions, and inform him that CIG requires the application of the procedure in the interest of efficient, prompt and systematic handling of employee problems.

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:



STATINTL

Executive for Personnel
and Administration

ATTACHMENTS: None

DISTRIBUTION: A

CENTRAL INTELLIGENCE AGENCY
Washington 25, D.C.

27 October 1948

STATINTL

ADMINISTRATIVE INSTRUCTION
NUMBER

STATINTL

SUBJECT: GRIEVANCES AND COMPLAINTS

(This rescinds Administrative Instruction No. dated
23 April 1947)

REFERENCES: Executive Order No. 9830, dated 24 February 1947 (Grievances)
Executive Order No. 9980, dated 26 July 1948 (Fair Employment
Practices)

1. POLICY

a. Assistant Directors, Staff Chiefs and other employees in supervisory capacities will, in the administration of their offices, insure optimum working conditions and relationships for personnel under their supervision.

b. All recommendations for personnel actions will be based solely on merit and fitness of an employee and in making such recommendations there will be no discrimination because of race, color, religion, or national origin.

c. It is recognized that dissatisfaction on the part of employees may arise in connection with working conditions and relationships, or status of employment. It is recognized further that applicants for positions in CIA may feel that their failure to be appointed in the Agency is based on discrimination. This instruction provides a standard procedure for seeking adjustment of personal complaints and grievances without restraint, interference, coercion or reprisal.

2. APPLICATION OF GRIEVANCE PROCEDURE

a. An employee may appeal under this procedure when:

(1) He is dissatisfied with aspects of his working conditions and relationships which are outside his control.

(2) He has completed his trial or probationary period and is being separated for unsatisfactory service.

(3) He is terminated for cause, such as delinquency or misconduct.

(4) He claims he was discriminated against in a personnel action because of race, color, religion or national origin. (Executive

Order No. 9980, dated 26 July 1948)

b. An applicant for a position in CIA may appeal under this procedure when he alleges that his failure to be appointed in the Agency is based solely on discrimination.

c. An employee may not use this procedure:

(1) To delay the application of adverse decisions in cases involving efficiency ratings, veterans' preference, reduction in force appeals, and decisions on the classification of positions. Separate appeal procedures are provided in the C. S. C. Rules and Regulations on such matters.

(2) In connection with separations made by the Director under authority of Section 102 of the National Security Act of 1947. (See Administrative Instruction)

STATINTL

(3) In connection with the adjudication of loyalty cases. (See Administrative Instruction)

STATINTL

3. GRIEVANCE PROCEDURE

a. An employee should first present to his immediate supervisor, orally or in writing, any question, grievance, complaint, misunderstanding or similar difficulty. The supervisor will allow the employee to state his case fully and if necessary to present witnesses. The supervisor will promptly investigate the situation and within five working days notify the employee of his decision or action.

b. If the employee is not satisfied with the decision or action of the supervisor he may appeal in writing to the Branch Chief. A copy of the written appeal will be forwarded by the Branch Chief to the Chief, Personnel Branch, A&M (Personnel Officer after 30 November 1948). The Branch Chief will give the employee full opportunity to explain his problem personally, notify the employee in writing within five working days of his decision or action taken, and furnish a copy with a complete written case record to the Chief, Personnel Branch.

c. (1) If the case is still not settled to the satisfaction of the employee he may request a hearing before an impartial Advisory Appeal Board to be constituted from among CIA employees as indicated below:

- (a) One member named by the employee making the appeal.
- (b) One member named by the Assistant Director or Staff Chief concerned.
- (c) One member selected by the two members named above.
- (d) The Chief, Personnel Branch will be non-voting Chairman and advisor. In case the first two members named cannot agree within three working days on the third member, the Chairman will select such member from any office other than that to which the employee who submitted the appeal is assigned.

(2) The request for hearing will include the name of the board member desired by the employee and be forwarded to the Assistant Director or Staff Chief concerned through the Branch Chief and the Chief, Personnel Branch, who will attach the case records.

(3) Within two working days after receipt of case records the Assistant Director or Staff Chief will forward the case, with his recommendation for a board member, to the Chairman of the Board.

(4) The chairman will convene the board and begin the hearings within 10 working days after receipt of the case from the Assistant Director or Staff Chief. The employee making the appeal may be accompanied to hearings by not more than two representatives of his own choice. He will inform the chairman of the names of such representatives prior to the time of the hearings.

(5) Upon completion of the hearings a written report and the recommendations of the majority of the members of the board certified by the Chairman will be forwarded to the Assistant Director or Staff Chief concerned. The Assistant Director or Staff Chief will then, within five working days, make his decision, inform the employee in writing, and return all case records with a copy of his decision to the Chief, Personnel Branch.

(6) Except in cases involving alleged discrimination due to race, color, religion or national origin, the employee, if he is still dissatisfied, may submit a written appeal to the Director, through the Chief, Personnel Branch, who will attach all case records. The Director will make his decision either based on a review of the case records or by hearing the employee in person if deemed necessary. If a hearing is held the employee may have representation if he so desires. The Director will inform the employee in writing of his decision, which will be final. All case records will be returned to the Personnel Branch for file.

d. (1) The Executive for A&M (Deputy Executive for Administration after 30 November 1948) is designated as CIA Fair Employment Officer under the provision of Executive Order No. 9980.

(2) Appeals of decisions of Assistant Directors and Staff Chiefs, in cases involving alleged discrimination due to race, color, religion or national origin will be made to the Fair Employment Officer instead of the Director.

(3) Complaints involving discrimination in connection with personnel actions must be submitted not later than 30 calendar days after the complainant learns of the alleged discrimination.

(4) The Fair Employment Officer will, within 10 working days, either take personally, or recommend to the Director, any corrective or disciplinary action considered necessary in cases involving actual discrimination through either action or failure to act.

(5) The findings or actions of the Fair Employment Officer may be appealed to the Director.

(6) Decisions of the Director in cases involving alleged discrimination due to race, color, religion or national origin which do not satisfy the employee making the appeal may be appealed to the Fair Employment Board in the Civil Service Commission.

(7) The provisions of this sub-paragraph "d" provide an interim means for implementing Executive Order No. 9980 and are subject to change to bring them into accord with any regulations in conflict or elaboration which may later be issued by the Civil Service Commission.

e. All required action in connection with alleged grievances will be carried out during normal working hours and regular working days.

f. The Personnel Relations Division, Personnel Branch, may be consulted at any time relative to any grievance or complaint.

4. a. Employees making appeals will be notified in writing of any delays in rendering decisions.

b. Employees will be allowed 10 working days to make appeals from decisions at each level.

c. Where an appeal is made to the Director, the complainant and other officers or employees involved in the complaint will be afforded an opportunity to appear personally before the Director or a person designated by him. The complainant, if he so desires, may have a representative of his own choosing.

5. EXPENSE AND TRAVEL

Travel or any other expenses which the employee, his representative or witnesses might incur in connection with attendance at hearings granted at the employee's request, will not be borne by CIA. Annual leave, leave without pay, or a combination of both will be granted for actual travel time by any CIA employee involved.

6. EMPLOYEE UNIONS

CIA employees have the right to join or to refrain from joining any organizations or associations of employees, the policies of which are not in conflict with their oath of office or appointment affidavits. In exercising this right they will be free from any and all restraint, interference, and coercion on the part of administrative and supervisory personnel.

7. NATIONAL SECURITY COUNCIL

With the concurrence of the Executive Secretary of the National Security Council, the CIA Fair Employment Officer will also act upon any grievances which may arise among personnel of his office. In such cases, the Executive Secretary of the National Security Council will take the action prescribed herein for the Director of Central Intelligence.

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:



Executive for
Administration and Management

DISTRIBUTION: ALL CIA EMPLOYEES

STATINTL

Finance Dept
File

CENTRAL INTELLIGENCE AGENCY
Washington, D. C.

STATINTL

ADMINISTRATIVE INSTRUCTION
NO. []

27 December 1949

STATINTL

SUBJECT: Grievances and Complaints

RESCISSIONS: Administrative Instruction No. [] dated 27 October 1948
Administrative Instruction No. [] dated 16 November 1948

1. Scope

This Instruction provides the policies and procedures for employees seeking adjustment of personal complaints or grievances.

2. Application of Grievance Procedure

a. An employee may appeal under this procedure when:

(1) He is dissatisfied with aspects of his working conditions and relationships which are outside his control.

(2) He has completed his trial or probationary period and is being separated for unsatisfactory service.

(3) He is terminated for cause, such as delinquency or misconduct.

(4) He claims he was discriminated against in a personnel action because of race, color, religion or national origin.

b. An applicant for a position in CIA may appeal under this procedure when he alleges that his failure to be appointed in the Agency is based solely on discrimination.

c. An employee may not use this procedure:

(1) To delay the application of adverse decisions in cases involving efficiency ratings, veterans' preference, reduction in force appeals, and decisions on the classification of position. Separate appeal procedures are provided in Civil Service Commission Rules and Regulations on such matters.

(2) In connection with separations made by the Director under authority of Section 102 of the National Security Act of 1947. (Administrative Instruction [])

(3) In connection with the adjudication of loyalty cases. (Administrative Instruction [])

STATINTL

STATINTL

3. Grievance Procedure

a. An employee first should present to his immediate supervisor, orally or in writing, any question, grievance, complaint, misunderstanding or similar difficulty. The supervisor will allow the employee to state his case fully and if necessary to present witnesses. The supervisor will promptly investigate the situation and within five working days notify the employee of his decision or action.

b. If the employee is not satisfied with the decision or action of the supervisor, he may appeal in writing to his Division Chief. A copy of the appeal will be forwarded by the Division Chief to the Chief, Personnel Division. The Division Chief will give the employee full opportunity to explain his problem personally, notify the employee in writing within five working days of his decision or action taken, and furnish a copy with a complete written case record to the Chief, Personnel Division.

c. If the case is still not settled to the satisfaction of the employee, he may request a hearing before an impartial Advisory Appeal Board.

(1) The Board will be constituted from among CIA employees as follows:

(a) One member named by the employee making the appeal.

(b) One member named by the Assistant Director or Staff Chief concerned.

(c) One member selected by the two members named above.

(d) The Chief, Personnel Division or the Chief, Employees Division, will be non-voting chairman and advisor. In case the first two members named cannot agree on the third member within three working days, the chairman will select a member from any office other than that to which the employee who submitted the appeal is assigned.

(2) The request for hearing will include the name of the board member desired by the employee and be forwarded to the Assistant Director or Staff Chief concerned through the Division Chief and the Chief, Personnel Division, who will attach the case records.

(3) Within two working days after receipt of case records, the Assistant Director or Staff Chief will forward the records and his recommendation for a board member to the chairman of the board.

(4) The chairman will convene the board and begin the hearings within 10 working days after receipt of the case from the Assistant Director or Staff Chief. The employee making the appeal may be accompanied to hearings by not more than two representatives of his choice. He will inform the chairman of the names of such representatives prior to the time of the hearings.

(5) Upon completion of the hearings, a written report and the recommendations of the majority of the members of the board certified by the chairman will be forwarded to the Assistant Director or Staff Chief concerned. The Assistant Director or Staff Chief will then, within five working days, make his decision, inform the employee in writing, and return all case records with a copy of his decision to the Chief, Personnel Division.

(6) Except in cases involving alleged discrimination due to race, color, religion or national origin, the employee, if he is still dissatisfied, may submit a written appeal to the Director, through the Chief, Personnel Division, who will attach all case records. The Director will make his decision either based on a review of the case records or by hearing the employee in person if deemed necessary. If a hearing is held, the employee may have representation if he so desires. The Director will inform the employee in writing of his decision which will be final. All case records will be returned to the Personnel Division for file.

d. All required action in connection with alleged grievances will be carried out during normal working hours and regular working days.

e. The Personnel Relations Branch, Personnel Division, may be consulted at any time relative to any grievance or complaint.

f. Employees making appeals will be notified in writing of any delays in rendering decisions.

g. Employees will be allowed 10 working days to make appeals from decisions at each level.

h. Where an appeal is made to the Director, the complainant and other officers or employees involved in the complaint will be afforded an opportunity to appear personally before the Director or a person designated by him. The complainant, if he so desires, may have a representative of his own choosing, within security limitations.

4. Fair Employment Procedure

a. Mr. E. R. Saunders, Budget Officer, is designated as CIA Fair Employment Officer under the provisions of Executive Order No. 9980.

b. Appeals of decisions of Assistant Directors and Staff Chiefs, in cases involving alleged discrimination due to race, color, religion or national origin will be made to the Fair Employment Officer instead of the Director.

c. Complaints involving discrimination in connection with personnel actions must be submitted not later than 30 calendar days after the complainant learns of the alleged discrimination.

d. The Fair Employment Officer, within 10 working days, either will effect corrective action or recommend to the Director disciplinary or other action necessary in cases involving actual discrimination.

e. The findings or actions of the Fair Employment Officer may be appealed to the Director.

f. Decisions of the Director in cases involving alleged discrimination due to race, color, religion or national origin which do not satisfy the employee making the appeal may be appealed to the Fair Employment Board in the Civil Service Commission.

5. Expense and Travel

Travel or any other expense which the employee, his representative or witnesses might incur in connection with attendance at hearings granted at the employee's request will not be borne by CIA. Annual leave, leave without pay, or a combination of both will be granted for actual travel time by any CIA employee involved.

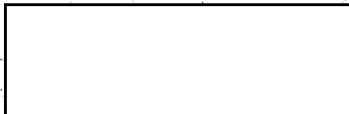
6. Employee Unions

CIA employees have the right to join or to refrain from joining any organizations or associations of employees, the policies of which are not in conflict with their oath of office or appointment affidavits. In exercising this right, they will be free from any and all restraint, interference and coercion on the part of administrative and supervisory personnel.

7. National Security Council

With the concurrence of the Executive Secretary of the National Security Council, the CIA Fair Employment Officer will also act upon any grievances which may arise among personnel of his office. In such cases, the Executive Secretary of the National Security Council will take the action prescribed herein for the Director of Central Intelligence.

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:



Captain, USN
Executive

STATINTEL

DISTRIBUTION: ALL EMPLOYEES.

12 15 62 DEC 29 1949

RECEIVED
SPECIAL FUNDS BRANCH

CENTRAL INTELLIGENCE AGENCY
Washington 25, D.C.

STATINTL

27 October 1948

STATINTL

ADMINISTRATIVE INSTRUCTION
NUMBER [REDACTED]

SUBJECT: GRIEVANCES AND COMPLAINTS

STATINTL

(This rescinds Administrative Instruction [REDACTED] dated
23 April 1947)

REFERENCES: Executive Order No. 9830, dated 24 February 1947 (Grievances)
Executive Order No. 9980, dated 26 July 1948 (Fair Employment
Practices)

1. POLICY

a. Assistant Directors, Staff Chiefs and other employees in supervisory capacities will, in the administration of their offices, insure optimum working conditions and relationships for personnel under their supervision.

b. All recommendations for personnel actions will be based solely on merit and fitness of an employee and in making such recommendations there will be no discrimination because of race, color, religion, or national origin.

c. It is recognized that dissatisfaction on the part of employees may arise in connection with working conditions and relationships, or status of employment. It is recognized further that applicants for positions in CIA may feel that their failure to be appointed in the Agency is based on discrimination. This instruction provides a standard procedure for seeking adjustment of personal complaints and grievances without restraint, interference, coercion or reprisal.

2. APPLICATION OF GRIEVANCE PROCEDURE

a. An employee may appeal under this procedure when:

(1) He is dissatisfied with aspects of his working conditions and relationships which are outside his control.

(2) He has completed his trial or probationary period and is being separated for unsatisfactory service.

(3) He is terminated for cause, such as delinquency or misconduct.

(4) He claims he was discriminated against in a personnel action because of race, color, religion or national origin. (Executive

Order No. 9980, dated 26 July 1948)

b. An applicant for a position in CIA may appeal under this procedure when he alleges that his failure to be appointed in the Agency is based solely on discrimination.

c. An employee may not use this procedure:

(1) To delay the application of adverse decisions in cases involving efficiency ratings, veterans' preference, reduction in force appeals, and decisions on the classification of positions. Separate appeal procedures are provided in the C. S. C. Rules and Regulations on such matters.

STATINTL

(2) In connection with separations made by the Director under authority of Section 102 of the National Security Act of 1947. (See Administrative Instruction No. [redacted])

STATINTL

(3) In connection with the adjudication of loyalty cases. (See Administrative Instruction [redacted])

3. GRIEVANCE PROCEDURE

a. An employee should first present to his immediate supervisor, orally or in writing, any question, grievance, complaint, misunderstanding or similar difficulty. The supervisor will allow the employee to state his case fully and if necessary to present witnesses. The supervisor will promptly investigate the situation and within five working days notify the employee of his decision or action.

b. If the employee is not satisfied with the decision or action of the supervisor he may appeal in writing to the Branch Chief. A copy of the written appeal will be forwarded by the Branch Chief to the Chief, Personnel Branch, A&M (Personnel Officer after 30 November 1948). The Branch Chief will give the employee full opportunity to explain his problem personally, notify the employee in writing within five working days of his decision or action taken, and furnish a copy with a complete written case record to the Chief, Personnel Branch.

c. (1) If the case is still not settled to the satisfaction of the employee he may request a hearing before an impartial Advisory Appeal Board to be constituted from among CIA employees as indicated below:

- (a) One member named by the employee making the appeal.
- (b) One member named by the Assistant Director or Staff Chief concerned.
- (c) One member selected by the two members named above.
- (d) The Chief, Personnel Branch will be non-voting Chairman and advisor. In case the first two members named cannot agree within three working days on the third member, the Chairman will select such member from any office other than that to which the employee who submitted the appeal is assigned.

(2) The request for hearing will include the name of the board member desired by the employee and be forwarded to the Assistant Director or Staff Chief concerned through the Branch Chief and the Chief, Personnel Branch, who will attach the case records.

(3) Within two working days after receipt of case records the Assistant Director or Staff Chief will forward the case, with his recommendation for a board member, to the Chairman of the Board.

(4) The chairman will convene the board and begin the hearings within 10 working days after receipt of the case from the Assistant Director or Staff Chief. The employee making the appeal may be accompanied to hearings by not more than two representatives of his own choice. He will inform the chairman of the names of such representatives prior to the time of the hearings.

(5) Upon completion of the hearings a written report and the recommendations of the majority of the members of the board certified by the Chairman will be forwarded to the Assistant Director or Staff Chief concerned. The Assistant Director or Staff Chief will then, within five working days, make his decision, inform the employee in writing, and return all case records with a copy of his decision to the Chief, Personnel Branch.

(6) Except in cases involving alleged discrimination due to race, color, religion or national origin, the employee, if he is still dissatisfied, may submit a written appeal to the Director, through the Chief, Personnel Branch, who will attach all case records. The Director will make his decision either based on a review of the case records or by hearing the employee in person if deemed necessary. If a hearing is held the employee may have representation if he so desires. The Director will inform the employee in writing of his decision, which will be final. All case records will be returned to the Personnel Branch for file.

d. (1) The Executive for A&M (Deputy Executive for Administration after 30 November 1948) is designated as CIA Fair Employment Officer under the provision of Executive Order No. 9930.

(2) Appeals of decisions of Assistant Directors and Staff Chiefs, in cases involving alleged discrimination due to race, color, religion or national origin will be made to the Fair Employment Officer instead of the Director.

(3) Complaints involving discrimination in connection with personnel actions must be submitted not later than 30 calendar days after the complainant learns of the alleged discrimination.

(4) The Fair Employment Officer will, within 10 working days, either take personally, or recommend to the Director, any corrective or disciplinary action considered necessary in cases involving actual discrimination through either action or failure to act.

(5) The findings or actions of the Fair Employment Officer may be appealed to the Director.

(6) Decisions of the Director in cases involving alleged discrimination due to race, color, religion or national origin which do not satisfy the employee making the appeal may be appealed to the Fair Employment Board in the Civil Service Commission.

(7) The provisions of this sub-paragraph "d" provide an interim means for implementing Executive Order No. 9980 and are subject to change to bring them into accord with any regulations in conflict or elaboration which may later be issued by the Civil Service Commission.

e. All required action in connection with alleged grievances will be carried out during normal working hours and regular working days.

f. The Personnel Relations Division, Personnel Branch, may be consulted at any time relative to any grievance or complaint.

4. a. Employees making appeals will be notified in writing of any delays in rendering decisions.

b. Employees will be allowed 10 working days to make appeals from decisions at each level.

c. Where an appeal is made to the Director, the complainant and other officers or employees involved in the complaint will be afforded an opportunity to appear personally before the Director or a person designated by him. The complainant, if he so desires, may have a representative of his own choosing.

5. EXPENSE AND TRAVEL

Travel or any other expenses which the employee, his representative or witnesses might incur in connection with attendance at hearings granted at the employee's request, will not be borne by CIA. Annual leave, leave without pay, or a combination of both will be granted for actual travel time by any CIA employee involved.

6. EMPLOYEE UNIONS

CIA employees have the right to join or to refrain from joining any organizations or associations of employees, the policies of which are not in conflict with their oath of office or appointment affidavits. In exercising this right they will be free from any and all restraint, interference, and coercion on the part of administrative and supervisory personnel.

7. NATIONAL SECURITY COUNCIL

With the concurrence of the Executive Secretary of the National Security Council, the CIA Fair Employment Officer will also act upon any grievances which may arise among personnel of his office. In such cases, the Executive Secretary of the National Security Council will take the action prescribed herein for the Director of Central Intelligence.

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:



Executive for
Administration and Management

STATINTL

DISTRIBUTION: ALL CIA EMPLOYEES

CENTRAL INTELLIGENCE AGENCY
Washington 25, D. C.

16 November 1948

ADMINISTRATIVE INSTRUCTION
NUMBER [REDACTED]

STATINTL

SUBJECT: GRIEVANCES AND COMPLAINTS

Paragraph 3d(1), Administrative Instruction No. 20-12
dated 27 October 1948, is changed to read as follows:

STATINTL

[REDACTED] Deputy Executive for Inspection
and Security, is designated as CIA Fair Employment Officer
under the provision of Executive Order No. 9980."

STATINTL

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:

[REDACTED]
Executive for
Administration and Management

DISTRIBUTION: ALL CIA EMPLOYEES

STATINTL

*Received
Per A.I. [REDACTED] 21 Dec 49*

CENTRAL INTELLIGENCE AGENCY
Washington, D. C.

ADMINISTRATIVE INSTRUCTION
NO. []

27 December 1949

STATINTL

SUBJECT: Grievances and Complaints

STATINTL

RESCISSIONS: Administrative Instruction No. [] dated 27 October 1948
Administrative Instruction No. [] dated 16 November 1948

1. Scope

This Instruction provides the policies and procedures for employees seeking adjustment of personal complaints or grievances.

2. Application of Grievance Procedure

a. An employee may appeal under this procedure when:

(1) He is dissatisfied with aspects of his working conditions and relationships which are outside his control.

(2) He has completed his trial or probationary period and is being separated for unsatisfactory service.

(3) He is terminated for cause, such as delinquency or misconduct.

(4) He claims he was discriminated against in a personnel action because of race, color, religion or national origin.

b. An applicant for a position in CIA may appeal under this procedure when he alleges that his failure to be appointed in the Agency is based solely on discrimination.

c. An employee may not use this procedure:

(1) To delay the application of adverse decisions in cases involving efficiency ratings, veterans' preference, reduction in force appeals, and decisions on the classification of position. Separate appeal procedures are provided in Civil Service Commission Rules and Regulations on such matters.

(2) In connection with separations made by the Director under authority of Section 102 of the National Security Act of 1947. (Administrative Instruction No. []) STATINTL

(3) In connection with the adjudication of loyalty cases. (Administrative Instruction No. []) STATINTL

3. Grievance Procedure

a. An employee first should present to his immediate supervisor, orally or in writing, any question, grievance, complaint, misunderstanding or similar difficulty. The supervisor will allow the employee to state his case fully and if necessary to present witnesses. The supervisor will promptly investigate the situation and within five working days notify the employee of his decision or action.

b. If the employee is not satisfied with the decision or action of the supervisor, he may appeal in writing to his Division Chief. A copy of the appeal will be forwarded by the Division Chief to the Chief, Personnel Division. The Division Chief will give the employee full opportunity to explain his problem personally, notify the employee in writing within five working days of his decision or action taken, and furnish a copy with a complete written case record to the Chief, Personnel Division.

c. If the case is still not settled to the satisfaction of the employee, he may request a hearing before an impartial Advisory Appeal Board.

(1) The Board will be constituted from among CIA employees as follows:

(a) One member named by the employee making the appeal.

(b) One member named by the Assistant Director or Staff Chief concerned.

(c) One member selected by the two members named above.

(d) The Chief, Personnel Division or the Chief, Employees Division, will be non-voting chairman and advisor. In case the first two members named cannot agree on the third member within three working days, the chairman will select a member from any office other than that to which the employee who submitted the appeal is assigned.

(2) The request for hearing will include the name of the board member desired by the employee and be forwarded to the Assistant Director or Staff Chief concerned through the Division Chief and the Chief, Personnel Division, who will attach the case records.

(3) Within two working days after receipt of case records, the Assistant Director or Staff Chief will forward the records and his recommendation for a board member to the chairman of the board.

(4) The chairman will convene the board and begin the hearings within 10 working days after receipt of the case from the Assistant Director or Staff Chief. The employee making the appeal may be accompanied to hearings by not more than two representatives of his choice. He will inform the chairman of the names of such representatives prior to the time of the hearings.

(5) Upon completion of the hearings, a written report and the recommendations of the majority of the members of the board certified by the chairman will be forwarded to the Assistant Director or Staff Chief concerned. The Assistant Director or Staff Chief will then, within five working days, make his decision, inform the employee in writing, and return all case records with a copy of his decision to the Chief, Personnel Division.

(6) Except in cases involving alleged discrimination due to race, color, religion or national origin, the employee, if he is still dissatisfied, may submit a written appeal to the Director, through the Chief, Personnel Division, who will attach all case records. The Director will make his decision either based on a review of the case records or by hearing the employee in person if deemed necessary. If a hearing is held, the employee may have representation if he so desires. The Director will inform the employee in writing of his decision which will be final. All case records will be returned to the Personnel Division for file.

d. All required action in connection with alleged grievances will be carried out during normal working hours and regular working days.

e. The Personnel Relations Branch, Personnel Division, may be consulted at any time relative to any grievance or complaint.

f. Employees making appeals will be notified in writing of any delays in rendering decisions.

g. Employees will be allowed 10 working days to make appeals from decisions at each level.

h. Where an appeal is made to the Director, the complainant and other officers or employees involved in the complaint will be afforded an opportunity to appear personally before the Director or a person designated by him. The complainant, if he so desires, may have a representative of his own choosing, within security limitations.

4. Fair Employment Procedure

a. Mr. E. R. Saunders, Budget Officer, is designated as CIA Fair Employment Officer under the provisions of Executive Order No. 9980.

b. Appeals of decisions of Assistant Directors and Staff Chiefs, in cases involving alleged discrimination due to race, color, religion or national origin will be made to the Fair Employment Officer instead of the Director.

c. Complaints involving discrimination in connection with personnel actions must be submitted not later than 30 calendar days after the complainant learns of the alleged discrimination.

d. The Fair Employment Officer, within 10 working days, either will effect corrective action or recommend to the Director disciplinary or other action necessary in cases involving actual discrimination.

e. The findings or actions of the Fair Employment Officer may be appealed to the Director.

f. Decisions of the Director in cases involving alleged discrimination due to race, color, religion or national origin which do not satisfy the employee making the appeal may be appealed to the Fair Employment Board in the Civil Service Commission.

5. Expense and Travel

Travel or any other expense which the employee, his representative or witnesses might incur in connection with attendance at hearings granted at the employee's request will not be borne by CIA. Annual leave, leave without pay, or a combination of both will be granted for actual travel time by any CIA employee involved.


6. Employee Unions

CIA employees have the right to join or to refrain from joining any organizations or associations of employees, the policies of which are not in conflict with their oath of office or appointment affidavits. In exercising this right, they will be free from any and all restraint, interference and coercion on the part of administrative and supervisory personnel.

7. National Security Council

With the concurrence of the Executive Secretary of the National Security Council, the CIA Fair Employment Officer will also act upon any grievances which may arise among personnel of his office. In such cases, the Executive Secretary of the National Security Council will take the action proscribed herein for the Director of Central Intelligence.

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:


Captain, USN
Executive

DISTRIBUTION: ALL EMPLOYEES.

Rescinded

CENTRAL INTELLIGENCE AGENCY
Washington 25, D.C.

27 October 1948

ADMINISTRATIVE INSTRUCTION
NUMBER []

STATINTL

SUBJECT: GRIEVANCES AND COMPLAINTS

STATINTL

(This rescinds Administrative Instruction [] dated
23 April 1947)

REFERENCES: Executive Order No. 9830, dated 24 February 1947 (Grievances)
Executive Order No. 9980, dated 26 July 1948 (Fair Employment
Practices)

1. POLICY

a. Assistant Directors, Staff Chiefs and other employees in supervisory capacities will, in the administration of their offices, insure optimum working conditions and relationships for personnel under their supervision.

b. All recommendations for personnel actions will be based solely on merit and fitness of an employee and in making such recommendations there will be no discrimination because of race, color, religion, or national origin.

c. It is recognized that dissatisfaction on the part of employees may arise in connection with working conditions and relationships, or status of employment. It is recognized further that applicants for positions in CIA may feel that their failure to be appointed in the Agency is based on discrimination. This instruction provides a standard procedure for seeking adjustment of personal complaints and grievances without resort to, interference, coercion or reprisal.

2. APPLICATION OF GRIEVANCE PROCEDURE

a. An employee may appeal under this procedure when:

(1) He is dissatisfied with aspects of his working conditions and relationships which are outside his control.

(2) He has completed his trial or probationary period and is being separated for unsatisfactory service.

(3) He is terminated for cause, such as delinquency or misconduct.

(4) He claims he was discriminated against in a personnel action because of race, color, religion or national origin. (Executive

Order No. 9980, dated 26 July 1948)

b. An applicant for a position in CIA may appeal under this procedure when he alleges that his failure to be appointed in the Agency is based solely on discrimination.

c. An employee may not use this procedure:

(1) To delay the application of adverse decisions in cases involving efficiency ratings, veterans' preference, reduction in force appeals, and decisions on the classification of positions. Separate appeal procedures are provided in the C. S. C. Rules and Regulations on such matters.

(2) In connection with separations made by the Director under authority of Section 102 of the National Security Act of 1947. (See Administrative Instruction [redacted])

STATINTL

(3) In connection with the adjudication of loyalty cases. (See Administrative Instruction No. [redacted])

STATINTL

3. GRIEVANCE PROCEDURE

a. An employee should first present to his immediate supervisor, orally or in writing, any question, grievance, complaint, misunderstanding or similar difficulty. The supervisor will allow the employee to state his case fully and if necessary to present witnesses. The supervisor will promptly investigate the situation and within five working days notify the employee of his decision or action.

b. If the employee is not satisfied with the decision or action of the supervisor he may appeal in writing to the Branch Chief. A copy of the written appeal will be forwarded by the Branch Chief to the Chief, Personnel Branch, A&M (Personnel Officer after 30 November 1948). The Branch Chief will give the employee full opportunity to explain his problem personally, notify the employee in writing within five working days of his decision or action taken, and furnish a copy with a complete written case record to the Chief, Personnel Branch.

c. (1) If the case is still not settled to the satisfaction of the employee he may request a hearing before an impartial Advisory Appeal Board to be constituted from among CIA employees as indicated below:

- (a) One member named by the employee making the appeal.
- (b) One member named by the Assistant Director or Staff Chief concerned.
- (c) One member selected by the two members named above.
- (d) The Chief, Personnel Branch will be non-voting Chairman and advisor. In case the first two members named cannot agree within three working days on the third member, the Chairman will select such member from any office other than that to which the employee who submitted the appeal is assigned.

(2) The request for hearing will include the name of the board member desired by the employee and be forwarded to the Assistant Director or Staff Chief concerned through the Branch Chief and the Chief, Personnel Branch, who will attach the case records.

(3) Within two working days after receipt of case records the Assistant Director or Staff Chief will forward the case, with his recommendation for a board member, to the Chairman of the Board.

(4) The chairman will convene the board and begin the hearings within 10 working days after receipt of the case from the Assistant Director or Staff Chief. The employee making the appeal may be accompanied to hearings by not more than two representatives of his own choice. He will inform the chairman of the names of such representatives prior to the time of the hearings.

(5) Upon completion of the hearings a written report and the recommendations of the majority of the members of the board certified by the Chairman will be forwarded to the Assistant Director or Staff Chief concerned. The Assistant Director or Staff Chief will then, within five working days, make his decision, inform the employee in writing, and return all case records with a copy of his decision to the Chief, Personnel Branch.

(6) Except in cases involving alleged discrimination due to race, color, religion or national origin, the employee, if he is still dissatisfied, may submit a written appeal to the Director, through the Chief, Personnel Branch, who will attach all case records. The Director will make his decision either based on a review of the case records or by hearing the employee in person if deemed necessary. If a hearing is held the employee may have representation if he so desires. The Director will inform the employee in writing of his decision, which will be final. All case records will be returned to the Personnel Branch for file.

d. (1) The Executive for A&M (Deputy Executive for Administration after 30 November 1948) is designated as CIA Fair Employment Officer under the provision of Executive Order No. 9980.

(2) Appeals of decisions of Assistant Directors and Staff Chiefs, in cases involving alleged discrimination due to race, color, religion or national origin will be made to the Fair Employment Officer instead of the Director.

(3) Complaints involving discrimination in connection with personnel actions must be submitted not later than 30 calendar days after the complainant learns of the alleged discrimination.

(4) The Fair Employment Officer will, within 10 working days, either take personally, or recommend to the Director, any corrective or disciplinary action considered necessary in cases involving actual discrimination through either action or failure to act.

(5) The findings or actions of the Fair Employment Officer may be appealed to the Director.

(6) Decisions of the Director in cases involving alleged discrimination due to race, color, religion or national origin which do not satisfy the employee making the appeal may be appealed to the Fair Employment Board in the Civil Service Commission.

(7) The provisions of this sub-paragraph "d" provide an interim means for implementing Executive Order No. 9980 and are subject to change to bring them into accord with any regulations in conflict or elaboration which may later be issued by the Civil Service Commission.

e. All required action in connection with alleged grievances will be carried out during normal working hours and regular working days.

f. The Personnel Relations Division, Personnel Branch, may be consulted at any time relative to any grievance or complaint.

4. a. Employees making appeals will be notified in writing of any delays in rendering decisions.

b. Employees will be allowed 10 working days to make appeals from decisions at each level.

c. Where an appeal is made to the Director, the complainant and other officers or employees involved in the complaint will be afforded an opportunity to appear personally before the Director or a person designated by him. The complainant, if he so desires, may have a representative of his own choosing.

5. EXPENSE AND TRAVEL

Travel or any other expenses which the employee, his representative or witnesses might incur in connection with attendance at hearings granted at the employee's request, will not be borne by CIA. Annual leave, leave without pay, or a combination of both will be granted for actual travel time by any CIA employee involved.

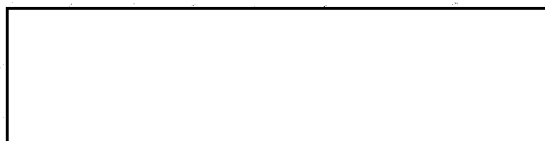
6. EMPLOYEE UNIONS

CIA employees have the right to join or to refrain from joining any organizations or associations of employees, the policies of which are not in conflict with their oath of office or appointment affidavits. In exercising this right they will be free from any and all restraint, interference and coercion on the part of administrative and supervisory personnel.

7. NATIONAL SECURITY COUNCIL

With the concurrence of the Executive Secretary of the National Security Council, the CIA Fair Employment Officer will also act upon any grievances which may arise among personnel of his office. In such cases, the Executive Secretary of the National Security Council will take the action prescribed herein for the Director of Central Intelligence.

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:



Executive for
Administration and Management

STATINTL

DISTRIBUTION: ALL CIA EMPLOYEES

STATINTL

CENTRAL INTELLIGENCE GROUP
Washington, D. C.*rescinded*

STATINTL

MEMORANDUM
NUMBER ☐AI ☐

23 April 1947

SUBJECT: Grievances and Complaints Procedure

EFFECTIVE UNTIL 1 JUNE 1947 UNLESS SOONER RESCINDED

These instructions set forth the principles and procedures to be applied in the fair and equal handling of employee complaints and grievances in the Central Intelligence Group.

1. SCOPE

The provisions of this procedure apply to CIG personnel in Washington and in the field.

2. LEGAL AUTHORITY

Executive Order No. 7916, dated 24 June 1938, provides that the Personnel Director shall establish a Grievance Procedure, subject to the approval of the head of the agency and the U. S. Civil Service Commission. The Director, CIG, and the Civil Service Commission have approved the procedure outlined herein.

3. INFORMATION TO PERSONNEL

It is the responsibility of Administrative officials to thoroughly advise supervisory personnel of all provisions of this procedure, and to insure that all personnel are fully informed of their rights and privileges under these provisions.

4. DEFINITIONS

A complaint or grievance is usually an employee's expressed feeling of dissatisfaction with respect to his day-to-day work relationships, working conditions, or status of employment. It may be introduced orally or in writing. Such problems or misunderstandings are personal to an individual employee, and their solution usually affects only the particular employee involved. Problems affecting general working conditions or matters which have broad application, involving general policy or administrative practices, are not appropriate for consideration under this procedure. Requests and inquiries which do not fall in the category of grievances, should be referred to the employee's immediate supervisor. In all cases, decisions and reasons for action taken should be given the employee promptly and in sufficient detail.

(735)

-2-

5. POLICY

- a) It is recognized that dissatisfaction on the part of employees may arise. This procedure is intended to provide and outline a standard outlet for such problems, and to give employees an opportunity to seek adjustment of any complaint or grievance without restraint, interference, coercion or reprisal.
- b) Separate procedures are provided in CSC Rules and Regulations for appeals of efficiency ratings, decisions on the classification of positions, involuntary separation during probationary or trial periods based on inability to perform the required duties, and decisions on administrative actions involving suspensions, involuntary separations and removals.

6. APPLICATIONS OF PROCEDURE

- a) This procedure applies to complaints and grievances which are personal to an employee.
- b) An employee who has completed his trial or probationary period and is being separated for inefficiency, will have the right to appeal under the Appeal Board Grievance Procedure.
- c) Employees who are terminated for cause, such as delinquency or misconduct, may exercise their right to appeal such removal under the Appeal Board provisions of this Procedure.
- d) An employee may not use the Grievance or Appeal Procedure as a delay in the application of administrative action or decisions. This does not preclude hearings which will be afforded an employee prior to disciplinary action or administrative decision. Such hearings are separate and apart from the appeal rights of the Grievance Procedure.
- e) Employees against whom complaints or grievances are brought shall be given the same rights under this Procedure as those accorded the employee originating the complaint or grievance.

7. STEPS AND CHANNELS

- a) In order that prompt solutions of complaints and grievances may be given, the following table and steps in the Procedure are established for channeling grievance matters. It is assumed that intermediate supervisors will be consulted and informed relative to action on cases involving employees under their general jurisdiction.
- b) First Stage - Immediate Supervisor;
Second Stage - Branch Chief;
Third Stage - Assistant Director of Office; and
Fourth Stage - Director, CIG
- c) First Stage - Immediate Supervisor
The employee should first and always take up with his immediate supervisor, orally or in writing, any question, grievance, complaint, misunderstanding, or similar difficulty. He may be accompanied by an employee from his own office who may serve as witness.

-3-

The supervisor will allow the employee to state his case fully and will promptly and objectively investigate the situation. A brief record of the case will be kept by the immediate supervisor for his own information and for possible reference should the matter be referred to higher authority.

d) Second Stage - Branch Chief

If the matter is not adjusted to the employee's satisfaction at the first stage and the employee desires to appeal, he shall submit his case in writing through his immediate supervisor, who will forward the original to the Branch Chief, and a copy of the appeal to the Chief, Personnel Division, CIG. The Branch Chief will give the employee full opportunity to explain his problem personally. The employee may be accompanied by not more than two CIG employees of his own choice who may be heard as witnesses. The Branch Chief will obtain all pertinent facts in the case by consulting with other persons concerned or having knowledge of the circumstances. A written record will be maintained by the Branch Chief, including a statement of the grievance, the names of persons concerned, the names of those with whom the matter has been discussed, a summary of findings, and a statement of action taken. The employee will be informed in writing of action taken at this level after full consideration has been given the case. A complete case record will be forwarded to the Chief, Personnel Division and to the Personnel Relations Section, Personnel Division.

e) Third Stage - Assistant Director

If the matter has not been settled to the satisfaction of the employee at the second stage, he may address an appeal to the Assistant Director, CIG, in the Office concerned. The request will be forwarded by hand through the Branch Chief to the Chief, Personnel Division. The Chief, Personnel Division, will forward the appeal and case records to the Assistant Director of the Office. The employee's appeal will request that an impartial Advisory Appeal Board be established to hear the case, and will state the name of the person he selects for Board Member. Upon receipt of the request, the Assistant Director of the Office will name a Member to the Advisory Appeal Board and will immediately notify the Chief, Personnel Division, of his selection. The two Members named will agree on, and appoint, a third Member, notifying the Chief, Personnel Division of such selection. If an agreement cannot be reached as to the selection of the Third Member, The Chief, Personnel Division, who automatically serves as Chairman of the Advisory Appeal Board, but in a non-voting capacity, will select the third Member to the Board. The Board, therefore, will consist of four Members, three of which will have voting status. Membership will be restricted to employees of CIG. The Chief, Personnel Division, will maintain absolute impartiality in his service on the Board. His responsibilities are to advise the Board as to proper procedure and regulations to see that proper records are maintained, and to insure expeditious handling of the matter.

-4-

The Chairman, will convene the Board, which will investigate the case promptly, review all pertinent papers and hear all persons, or receive such evidence as the Board, by majority vote, determines necessary. All Members and the employee will be present when a hearing is held, and the employee will be given ample opportunity to present his case. He may be accompanied or represented by not more than two employees of his own choice from CIG. The employee will notify the Chairman of the Board in writing of the names of such representatives prior to the time of the hearing. The Chairman of the Board will make necessary arrangements for the complete recording of all proceedings for administrative use. Upon request, this report will be made available to the employee. A written report, signed by the three Members and certified by the Chairman, including a statement of findings and recommendations, will be submitted to the Assistant Director of the Office, but will give no indication of individual opinions or recommendations. If a complete agreement cannot be reached, a majority decision will be binding. The Assistant Director of the Office will render a prompt decision and will inform the employee of such decision in writing. If the employee is dissatisfied with this decision, he may appeal to the Director, CIG.

f) Fourth Stage - Director, CIG

The employee will forward his written appeal to the Director, CIG, following the same procedure as outlined in the third stage. The Chief, Personnel Division, will act in the same capacity as outlined in the third stage. The Director will make a careful and impartial review of the records. If hearings are deemed necessary the employee will be heard and may have representation. The written decision of the Director will be final and the case will be considered closed. Complete records of the case in all stages will be maintained in the Personnel Relations Section, Personnel Division.

g) Conduct of Appeal Boards

Appeal Boards will conduct meetings in an orderly and informal manner. They will not function as a judicial or trial body. Appeal Boards will be established for the purpose of advising and assisting the appropriate authority in rendering a fair and unbiased decision based upon information and facts, and to advise the proper authority of findings and recommendations. The employees and witnesses may be subject to questioning. However, "cross-examinations" and technical "objection" to testimony by Board Members will not be tolerated. All proceedings relative to the Grievance Procedure will be carried out on official Government time and during the normal work day. Scheduled time off will not be granted the employee or his fellow-workers to prepare his case.

-5-

h) Time Limitations

Decisions at the first stage will be reached within three working days; at the second stage in not more than six working days; at the third and fourth stages in not more than ten days each. If for any reason the decision is delayed, the employee will be notified in writing of the delay, reasons for the delay, and the decision date. An employee will be allowed ten working days to appeal the decision rendered at the first, second and third stages. An appeal of separation or removal will be made within five working days from the time of the employee's receipt of the official notice of the action.

i) Expense and Travel


Travel or any other expenses which the employee, his representative or witnesses, might incur in connection with attendance at hearings granted at the employee's request, will not be borne by CIG. Annual leave, leave without pay, or a combination of both will be granted for actual travel time by any CIG employee involved in the case.

8. GENERAL

If grievances or complaints are submitted which are not in accordance with this procedure, the proper authority will advise the employee as to the proper procedure and approved provisions, and inform him that CIG requires the application of the procedure in the interest of efficient, prompt and systematic handling of employee problems.

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:

STATINTL


Executive for Personnel
and Administration

ATTACHMENTS: None

DISTRIBUTION: A

STATINTL

STANDARD FORM NO. 64

Office Memorandum

• UNITED STATES

Registry

713

ENT

TO : Deputy Executive

FROM : Acting Management Officer

SUBJECT: Fair Employment Practices

DATE

STATINTL

1. The Personnel Officer and the CIA Fair Employment Officer have indicated they feel that CIA Administrative Instruction No. [redacted] Grievances and Complaints, dated 27 October 1948, adequately covers the provisions of Executive Order No. 9930 as interpreted in the U. S. Federal Register, 7 April 1949.

2. I have scrutinized the article in the Federal Register and compared it with the current relevant Administrative Instruction.

3. Recommend that Administrative Instruction [redacted] not be changed at this time.

STATINTL

STATINTL

Management Officer

OK

27 May

[Signature]

UNCLASSIFIED RESTRICTED <small>(SENDER WILL CIRCLE CLASSIFICATION TOP AND BOTTOM)</small>		CONFIDENTIAL SECRET	
CENTRAL INTELLIGENCE AGENCY OFFICIAL ROUTING SLIP			
TO		INITIALS	DATE
1	<i>Gen Counsel</i>	<i>MMH</i>	<i>18 Apr</i>
2	<i>Management Officer</i>		
3			
4			
5			
FROM		INITIALS	DATE
1	<i>Deputy Exec</i>	<i>DS</i>	<i>18 Apr</i>
2			
3			

☐ APPROVAL ☐ INFORMATION ☐ SIGNATURE
☐ ACTION ☐ DIRECT REPLY ☐ RETURN
☐ COMMENT ☐ PREPARATION OF REPLY ☐ DISPATCH
☐ CONCURRENCE ☐ RECOMMENDATION ☐ FILE

REMARKS: *Per Officer [] have been instructed to recommend any necessary changes in Admin Instr [] by 1 May 1949*
LR

SECRET **CONFIDENTIAL** **RESTRICTED** **UNCLASSIFIED**

FORM NO. 30-4
SEP 1947

Mr. A:

Admin. Instr. [] is Grievances

and Complaints, dated October 27, 1948.

[] *ok suggestion. S/S. R*
will advise. S/S R mgd
draft to P 11/5.

FEDERAL REGISTER
Thursday, April 7, 1949

Chapter IV -- Fair Employment Board

410.1 Introduction. The President, in his Executive Order 9980, calls for more effective application of the long-established policy of employment in the Federal service on the basis of merit and fitness alone without regard to race, color, religion or national origin.

Paramount responsibility for the execution of this policy is placed squarely upon department heads and subordinate administrative officials.

Fair Employment Board must act on individual appeals from departmental decisions in cases where discrimination is alleged. It has the duty of advising the departments on fair employment problems and policies. It is required to coordinate the fair employment policies and procedures of the several departments. In consultation with the Civil Service Commission it is to set up rules and regulations necessary to carry out its duties and responsibilities.

By setting out special assignments of duties and outlining the framework of procedure, the order makes a clear distinction between cases in which discrimination is alleged and the common run of grievances arising in other phases of personnel management.

The Board has given first attention to procedures for handling complaints. Its aim is to insure full ascertainment of the facts as a basis for action, furtherance of good relationships between complainants and administrative officers concerned by means of informal discussion and negotiations, easy access by complainants to officials specially designated to give attention to discriminatory acts, and adjustment of complaints without unreasonable delay.

There are wide variations among departments, in structure, administrative practice and geographical spread. Therefore, it is not believed necessary or desirable that all departments be required to operate under regulations identical in every respect. There are certain procedures however which should be uniform throughout the service. The Board has consulted with the fair employment officers and personnel officers of the departments and with the Civil Service Commission and has prepared a statement of the provisions, with certain alternatives, which it believes should be incorporated into the regulations of each department. It is the view of the Board that these provisions represent the minimum required to achieve that degree of uniformity which is essential to effective administration.

The objectives of the order cannot be reached by the adjudication of complaints alone. There is need for a positive program to remove the causes of complaints.

Acting together, the departments, the Commission and the Board can achieve the objectives of the President's program. Through joint effort equality of economic opportunity in the Federal service can be more fully realized. As the concept of fair play becomes more dominant in the consciousness of officers and employees alike it will exert an impelling

influence upon attitudes and actions. Within the Federal Government one of the basic ideals to which the nation proudly lays claim will be more conclusively demonstrated in practice.

The Board expects to consult further with the departments in seeking out the reasons for deviations from the established nondiscrimination policy, in exploring the problems involved and the successful experience in dealing with these situations, and in developing a continuing positive program of remedial action.

410.2 Coverage. (a) Executive Order 9980 and this part apply to all departments and agencies in the executive branch of the Federal Government.

(b) The remedies provided under Executive Order 9980 and this part shall be available to citizens of, and persons who owe allegiance to the United States who are employed by, or are applicants for employment in the executive branch of the Federal Government.

410.3 Explanation of terms -- (a) Department. Any department or agency of the executive branch of the Federal Government, including the Civil Service Commission.

(b) Employee. An individual appointed by a Federal officer, and who is engaged in the performance of Federal functions in the executive branch of the Federal Government under authority of an act of Congress or an Executive order, and who, in the performance of such duties, is supervised and directed by a Federal officer.

(c) Applicant. A person failing of appointment in the executive branch of the Federal Government who alleges a grievance relating to discrimination.

(d) Discrimination. An unfavorable personnel action affecting an employee or applicant based on race, color, religion or national origin and not on merit and fitness. Preference in appointment and difference in conditions of employment, such as pay, leave, hours of work, etc., based upon law or upon regulations under authority of law do not constitute discrimination within the meaning of Executive Order 9980.

(e) Personnel action. Any action taken within a department which affects the equality of economic opportunity of an employee or applicant. The term "personnel action" shall include failure to act.

(f) Complete file. All letters, notices, memoranda, reports, transcripts, affidavits or supporting documents in connection with the initiation, investigation, hearing, decision and closing of a case or cases.

(g) Deputy Fair Employment Officer. The term "Deputy Fair Employment Officer" shall include committees and boards.

STATINTL

410.4 Fair Employment Officer. The head of each department shall appoint a Fair Employment Officer who shall have full operating responsibility under the immediate supervision of the head of the department for carrying out the fair employment policies stated in Executive Order 9980. There shall be appointed, as necessary and desirable, at central or local levels of the department, Deputy Fair Employment Officers who shall have the responsibility for carrying out the fair employment policies in their respective offices. The name and official address of the Fair Employment Officer of each department shall be made known to all employees of the department. The name and official address of each Deputy Fair Employment Officer shall be made known to the employees of the respective field offices.

Comment: It is the view of the Board that the best interests of the fair employment program would be served by the appointment of a permanent Deputy Fair Employment Officer at each field establishment of substantial size to handle complaints and also to assist the Fair Employment Officer to carry out his other responsibilities under the order.

410.5 Instructions for handling complaints and appeals--(a) Initiation of complaint. (1) Procedures under Executive Order No. 9980 shall apply and be available only to an employee or to a person failing of appointment who alleges that a personnel action, as defined herein, which affects him has been taken because of race, color, religion or national origin.

(2) The complaint must be made within thirty days of the date the complainant learns of the alleged discrimination and not later than six months from the date of the personnel action complained of, unless failure to submit the complaint within these time limits was due to unusual circumstances beyond the control of the complainant.

(3) It shall be optional with a department to require an employee to initiate his complaint (i) either with the first-line supervisor or the supervisor next higher in authority, (ii) either with the first-line supervisor or the Deputy Fair Employment Officer, or (iii) with the Deputy Fair Employment Officer. Complaints initiated with a supervisor may be oral or in writing. Those initiated with a Deputy Fair Employment Officer must be in writing. ~~Those initiated with a Deputy Fair Employment Officer must be in writing.~~ If no appropriate Deputy Fair Employment Officer has been appointed then the Fair Employment Officer may be substituted under subdivisions (ii) and (iii) of this subparagraph.

(4) It shall be optional with an applicant to file a complaint in writing, either with the head of the local office, with the Deputy Fair Employment Officer, or with the Fair Employment Officer of the department. If the complaint is filed with the head of the local office and he is superior to the Deputy Fair Employment Officer, or if it is filed with the Fair Employment Officer of the department, it may be referred to the appropriate deputy for handling as an initial complaint. In all other respects complaints of applicants will be handled in the same manner as complaints of employees.

(5) All written complaints or appeals must be signed by the aggrieved employee or applicant. Any initial written complaint or appeal must include information regarding the specific personnel action complained of, the approximate date thereof, reasons in support of the allegation of discrimination, and a statement as to when the appellant first learned of the discrimination.

STATINTL

Comment: It is the view of the Board that where not inconsistent with administrative practices, an employee should first discuss a complaint with the first-line supervisor or the supervisor next higher in authority. Good relations between the supervisor and the employee will thus be furthered. Many incipient complaints can be eliminated by giving valid reasons for an action that is being brought into question. Where error has crept in, the supervisor will have opportunity to correct it on his own motion. Furthermore, with responsibility upon the supervisor for initial action on the complaint the problems involved will be more forcefully impressed upon him.

(b) Action on a complaint by the supervisor. (1) If complaint is made to a supervisor, immediate steps shall be taken to effect such adjustment as is warranted by the facts. If the complaint cannot be satisfactorily and promptly adjusted, the complainant shall be advised in writing that he may file an appeal within ten days with the Deputy Fair Employment Officer. In addition, he shall be advised that if he appeals to the Deputy Fair Employment Officer, he shall furnish a copy of the letter of appeal to the supervisor to whom he presented his original complaint. On receipt of a copy of the appeal, the supervisor concerned shall forward to the Deputy Fair Employment Officer the complete file in the case through the channels prescribed by the department.

If the department prescribes that the file in the case be routed through an ascending chain of administrative authority, the administrative officer at any intermediate level may make an adjustment of the case satisfactory to the complainant. In such case, he should report the action taken to the Deputy Fair Employment Officer to whom the appeal is addressed and advise the subordinate administrative officers concerned. If no adjustment is made the file shall automatically be forwarded through the prescribed channels, each officer making whatever comment thereon he desires, with no further action required upon the part of the complainant.

(c) Action on a complaint (or appeal) by the Deputy Fair Employment Officer--(1) Investigation and adjustment by informal negotiation. The Deputy Fair Employment Officer shall promptly make or cause to be made such investigation as is necessary to ascertain the facts at issue on the complaint. He should endeavor through informal negotiation to effect a satisfactory settlement of the complaint and, if necessary, shall take or cause to be taken corrective action. All interested parties shall be advised of the settlement of the complaint and any corrective action which may be taken.

(2) Failure of adjustment by informal negotiation. In the event the Deputy Fair Employment Officer is not able to effect a satisfactory settlement of the complaint by informal negotiation, he shall furnish the complainant with a statement of the pertinent facts disclosed by the investigation of the

complaint and shall afford him an opportunity to reply thereto in writing or personally, by authorized representative or accompanied by such representative. The complainant shall be permitted to present by witness or otherwise any pertinent facts not disclosed by the investigation. Where practicable, a transcript of testimony shall be made. If a verbatim transcript is not possible, a full summary of the oral testimony shall be made by the Deputy Fair Employment Officer. The summary may be agreed to and signed by the complainant and the Deputy Fair Employment Officer, or if the complainant does not agree with the summary, he may note and sign his exceptions which will become a part of the summary. Any transcript or summary shall be available for inspection by the complainant or his authorized representative and by interested agency officials.

(3) Decision. On all the material facts disclosed by the investigation and the hearing, if held, the Deputy Fair Employment Officer shall make a decision or make a recommendation to appropriate authority. If the decision on the complaint is favorable to the complainant, the responsible official shall so notify him in writing and shall take or cause to be taken such corrective and disciplinary action as appears warranted by the facts in the case. In the event of an unfavorable decision, the complainant shall be advised in writing of the decision and the reasons therefor and of his right to appeal to the Fair Employment Officer or the head of the department as the department may prescribe, within ten days (twenty days if outside the continental United States) from date of receipt of the unfavorable decision. Officials directly concerned should also be advised of any decision made.

(d) Appeal to the Fair Employment Officer. (1) The complainant shall be advised that if he appeals to the Fair Employment Officer of the department he shall furnish a copy of the letter of appeal to the Deputy Fair Employment Officer who handled his case.

(2) On receipt of a copy of the appeal the Deputy Fair Employment Officer shall forward to the Fair Employment Officer of the department the complete file in the case through the channels prescribed by the department.

If the department prescribes that the file be routed through an ascending chain of administrative authority, the administrative officer at any intermediate level may make an adjustment of the case satisfactory to the complainant. In such case, he should report the action taken to the Fair Employment Officer and advise the subordinate administrative officers concerned. If no adjustment is made the file shall automatically be forwarded through the prescribed channels, each officer making whatever comment thereon he desires, with no further action required upon the part of the complainant.

(3) After reviewing the complete file in the case, the Fair Employment Officer shall make further investigation if necessary and shall, through informal negotiation attempt a solution satisfactory to all interested parties, who shall be granted the privilege of appearing personally or by an authorized representative, or accompanied by such representative, before the Fair Employment Officer. If a satisfactory solution cannot be accomplished by the foregoing means, the Fair Employment Officer shall either make a decision or make a recommendation to the head of the department based upon the material evidence in the file. If he makes a decision he shall notify the interested parties in writing of the decision reached and the reasons therefor.

X (4) If the Fair Employment Officer makes a decision favorable to the appellant, he shall, in consultation with or on the basis of delegated authority from, the head of the department, take such corrective and disciplinary action as the facts warrant.

Wly
Ndr
Tun

(5) If the decision of the Fair Employment Officer is unfavorable to the appellant, the Fair Employment Officer shall notify him in writing of his right to appeal to the head of the department within ten days (twenty days if outside the continental United States) from the date of receipt of the decision.

(B) Appeal to the head of the department. (1) In the event that a recommendation is made by the Fair Employment Officer to the head of the department, or an appeal is taken from a decision of the Fair Employment Officer, the head of the department shall make a decision upon the facts of the case and notify the interested parties in writing of such decision.

(2) If the decision is favorable to the appellant, the head of the department shall take, or cause to be taken, such corrective and disciplinary action as appears warranted.

(3) If the decision is unfavorable to the appellant, the head of the department shall advise the appellant in writing, in duplicate, of the decision and of his right to appeal to the Fair Employment Board of the Civil Service Commission within ten days from the date of receipt of the decision, or within twenty days if he resides outside of the continental United States. In addition, he should be advised that if he appeals to the Fair Employment Board, a copy of the adverse decision should accompany his appeal.

110.6 General provisions. (a) The head of each department shall prescribe procedures consistent with Executive Order No. 9980 and this part for the prompt handling of complaints and appeals which are made under that order.

(b) All officers and employees of the department who occupy supervisory positions shall be instructed as to the meaning, spirit and requirements of Executive Order No. 9980.

(c) The department's regulations and procedures for handling complaints and appeals shall be brought to the attention of all officers and employees of the department and shall be made available to applicants who lodge a complaint within the purview of Executive Order No. 9980.

X (d) Amendments in regulations and changes in procedures becoming effective while an appeal is being processed may be applied to such appeal at whatever stage it has then reached, provided that the appellant shall not be deprived of any substantive right or resource to which he would have been entitled under the regulations and procedures in effect at the time his complaint was initiated.

Should
stay in
own
Reg

(e) If no appropriate Deputy Fair Employment Officer has been appointed the Fair Employment Officer shall be designated to receive appeals under 410.5 (b) (1).

If a complaint or appeal is filed initially with the Fair Employment Officer of the department, no appropriate Deputy Fair Employment Officer having been appointed, the Fair Employment Officer shall proceed directly or through designated representative to process the case in the manner prescribed for the Deputy Fair Employment Officer in 410.5 (c) (1) and (2) and such parts of 410.5 (c) (3) and (d) as are pertinent.

X (f) If a complaint of discrimination because of race, color, religion or national origin is denied on the ground that the action complained of is not a personnel action as defined herein, the complainant shall be advised that he may appeal this determination through the same channels as are prescribed under 410.5. If, on appeal, it is determined that the action complained of is a personnel action as defined herein, the case may be remanded to the proper officers for further investigation or action on the issue of discrimination.

X (g) The means of relief provided by Executive Order 9980 or any regulations thereunder shall be supplemental to those provided by existing statutes, Executive orders and regulations, such as appeals to the Civil Service Commission under section 14 of the Veterans' Preference Act of 1944 or the reduction in force regulations, etc. *Don't need*

410.7 Records and Reports. Upon request the departments shall furnish to the Board all information needed for the review of personnel actions or for the compilation of reports. The complete file in each case or cases under Executive Order 9980 shall be maintained intact in each department at least until such time as all appeal rights have been exhausted and, upon request, shall be promptly forwarded to the Fair Employment Board of the Civil Service Commission.

Effective on March 24, 1949

FAIR EMPLOYMENT BOARD,
UNITED STATES CIVILSERVICE COMMISSION,
Ladell C. Lawhorn,
Executive Secretary

CENTRAL INTELLIGENCE AGENCY
Washington 25, D.C.

27 October 1948

ADMINISTRATIVE INSTRUCTION
NUMBER [REDACTED]

STATINTL

SUBJECT: GRIEVANCES AND COMPLAINTS

STATINTL

(This rescinds Administrative Instruction [REDACTED] dated
23 April 1947)

REFERENCES: Executive Order No. 9830, dated 24 February 1947 (Grievances)
Executive Order No. 9980, dated 26 July 1948 (Fair Employment
Practices)

1. POLICY

a. Assistant Directors, Staff Chiefs and other employees in supervisory capacities will, in the administration of their offices, insure optimum working conditions and relationships for personnel under their supervision.

b. All recommendations for personnel actions will be based solely on merit and fitness of an employee and in making such recommendations there will be no discrimination because of race, color, religion, or national origin.

c. It is recognized that dissatisfaction on the part of employees may arise in connection with working conditions and relationships, or status of employment. It is recognized further that applicants for positions in CIA may feel that their failure to be appointed in the Agency is based on discrimination. This instruction provides a standard procedure for seeking adjustment of personal complaints and grievances without restraint, interference, coercion or reprisal.

2. APPLICATION OF GRIEVANCE PROCEDURE

a. An employee may appeal under this procedure when:

(1) He is dissatisfied with aspects of his working conditions and relationships which are outside his control.

(2) He has completed his trial or probationary period and is being separated for unsatisfactory service.

(3) He is terminated for cause, such as delinquency or misconduct.

(4) He claims he was discriminated against in a personnel action because of race, color, religion or national origin. (Executive

Order No. 9980, dated 26 July 1948)

b. An applicant for a position in CIA may appeal under this procedure when he alleges that his failure to be appointed in the Agency is based solely on discrimination.

c. An employee may not use this procedure:

(1) To delay the application of adverse decisions in cases involving efficiency ratings, veterans' preference, reduction in force appeals, and decisions on the classification of positions. Separate appeal procedures are provided in the C. S. C. Rules and Regulations on such matters.

(2) In connection with separations made by the Director under authority of Section 102 of the National Security Act of 1947. (See Administrative Instruction [redacted] STATINTL

(3) In connection with the adjudication of loyalty cases. (See Administrative Instruction [redacted] STATINTL

3. GRIEVANCE PROCEDURE

a. An employee should first present to his immediate supervisor, orally or in writing, any question, grievance, complaint, misunderstanding or similar difficulty. The supervisor will allow the employee to state his case fully and if necessary to present witnesses. The supervisor will promptly investigate the situation and within five working days notify the employee of his decision or action.

b. If the employee is not satisfied with the decision or action of the supervisor he may appeal in writing to the Branch Chief. A copy of the written appeal will be forwarded by the Branch Chief to the Chief, Personnel Branch, A&M (Personnel Officer after 30 November 1948). The Branch Chief will give the employee full opportunity to explain his problem personally, notify the employee in writing within five working days of his decision or action taken, and furnish a copy with a complete written case record to the Chief, Personnel Branch.

c. (1) If the case is still not settled to the satisfaction of the employee he may request a hearing before an impartial Advisory Appeal Board to be constituted from among CIA employees as indicated below:

- (a) One member named by the employee making the appeal.
- (b) One member named by the Assistant Director or Staff Chief concerned.
- (c) One member selected by the two members named above.
- (d) The Chief, Personnel Branch will be non-voting Chairman and advisor. In case the first two members named cannot agree within three working days on the third member, the Chairman will select such member from any office other than that to which the employee who submitted the appeal is assigned.

(2) The request for hearing will include the name of the board member desired by the employee and be forwarded to the Assistant Director or Staff Chief concerned through the Branch Chief and the Chief, Personnel Branch, who will attach the case records.

(3) Within two working days after receipt of case records the Assistant Director or Staff Chief will forward the case, with his recommendation for a board member, to the Chairman of the Board.

(4) The chairman will convene the board and begin the hearings within 10 working days after receipt of the case from the Assistant Director or Staff Chief. The employee making the appeal may be accompanied to hearings by not more than two representatives of his own choice. He will inform the chairman of the names of such representatives prior to the time of the hearings.

(5) Upon completion of the hearings a written report and the recommendations of the majority of the members of the board certified by the Chairman will be forwarded to the Assistant Director or Staff Chief concerned. The Assistant Director or Staff Chief will then, within five working days, make his decision, inform the employee in writing, and return all case records with a copy of his decision to the Chief, Personnel Branch.

(6) Except in cases involving alleged discrimination due to race, color, religion or national origin, the employee, if he is still dissatisfied, may submit a written appeal to the Director, through the Chief, Personnel Branch, who will attach all case records. The Director will make his decision either based on a review of the case records or by hearing the employee in person if deemed necessary. If a hearing is held the employee may have representation if he so desires. The Director will inform the employee in writing of his decision, which will be final. All case records will be returned to the Personnel Branch for file.

d. (1) The Executive for A&M (Deputy Executive for Administration after 30 November 1948) is designated as CIA Fair Employment Officer under the provision of Executive Order No. 9980.

(2) Appeals of decisions of Assistant Directors and Staff Chiefs, in cases involving alleged discrimination due to race, color, religion or national origin will be made to the Fair Employment Officer instead of the Director.

(3) Complaints involving discrimination in connection with personnel actions must be submitted not later than 30 calendar days after the complainant learns of the alleged discrimination.

(4) The Fair Employment Officer will, within 10 working days, either take personally, or recommend to the Director, any corrective or disciplinary action considered necessary in cases involving actual discrimination through either action or failure to act.

(5) The findings or actions of the Fair Employment Officer may be appealed to the Director.

(6) Decisions of the Director in cases involving alleged discrimination due to race, color, religion or national origin which do not satisfy the employee making the appeal may be appealed to the Fair Employment Board in the Civil Service Commission.

(7) The provisions of this sub-paragraph "d" provide an interim means for implementing Executive Order No. 9980 and are subject to change to bring them into accord with any regulations in conflict or elaboration which may later be issued by the Civil Service Commission.

e. All required action in connection with alleged grievances will be carried out during normal working hours and regular working days.

f. The Personnel Relations Division, Personnel Branch, may be consulted at any time relative to any grievance or complaint.

4. a. Employees making appeals will be notified in writing of any delays in rendering decisions.

b. Employees will be allowed 10 working days to make appeals from decisions at each level.

c. Where an appeal is made to the Director, the complainant and other officers or employees involved in the complaint will be afforded an opportunity to appear personally before the Director or a person designated by him. The complainant, if he so desires, may have a representative of his own choosing.

5. EXPENSE AND TRAVEL

Travel or any other expenses which the employee, his representative or witnesses might incur in connection with attendance at hearings granted at the employee's request, will not be borne by CIA. Annual leave, leave without pay, or a combination of both will be granted for actual travel time by any CIA employee involved.

6. EMPLOYEE UNIONS

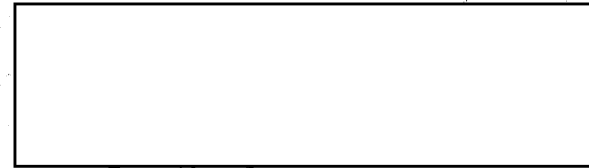
CIA employees have the right to join or to refrain from joining any organizations or associations of employees, the policies of which are not in conflict with their oath of office or appointment affidavits. In exercising this right they will be free from any and all restraint, interference, and coercion on the part of administrative and supervisory personnel.

7. NATIONAL SECURITY COUNCIL

With the concurrence of the Executive Secretary of the National Security Council, the CIA Fair Employment Officer will also act upon any grievances which may arise among personnel of his office. In such cases, the Executive Secretary of the National Security Council will take the action prescribed herein for the Director of Central Intelligence.

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:

STATINTEL



Executive for
Administration and Management

DISTRIBUTION: ALL CIA EMPLOYEES

STATINTL

DRAFT- [] 11/30/49

CENTRAL INTELLIGENCE AGENCY
Washington, D. C.

STATINTL

ADMINISTRATIVE INSTRUCTION
NO. []

SUBJECT: Grievances and Complaints

RESCISSIONS: Administrative Instruction No. [] dated 27 Oct. 1948
Administrative Instruction No. [] dated 16 Nov. 1948

STATINTL

1. Scope

This Instruction provides the policies and procedures for employees seeking adjustment of personal complaints or grievances.

2. Application of Grievance Procedure

a. An employee may appeal under this procedure when:

(1) He is dissatisfied with aspects of his working conditions and relationships which are outside his control.

(2) He has completed his trial or probationary period and is being separated for unsatisfactory service.

(3) He is terminated for cause, such as delinquency or misconduct.

(4) He claims he was discriminated against in a personnel action because of race, color, religion or national origin.

b. An applicant for a position in CIA may appeal under this procedure when he alleges that his failure to be appointed in the Agency is based solely on discrimination.

c. An employee may not use this procedure:

(1) To delay the application of adverse decisions in cases involving efficiency ratings, veterans' preference, reduction

For conc 12-1

in force appeals, and decisions on the classification of position. Separate appeal procedures are provided in the C. S. C. Rules and Regulations on such matters.

(2) In connection with separations made by the Director under authority of Section 102 of the National Security Act of 1947.

(Administrative Instruction)

STATINTL

(3) In connection with the adjudication of loyalty cases.

(Administrative Instruction)

STATINTL

3. Grievance Procedure

a. An employee first should present to his immediate supervisor, orally or in writing, any question, grievance, complaint, misunderstanding or similar difficulty. The supervisor will allow the employee to state his case fully and if necessary to present witnesses. The supervisor will promptly investigate the situation and within five working days notify the employee of his decision or action.

b. If the employee is not satisfied with the decision or action of the supervisor he may appeal in writing to his Division Chief. A copy of the appeal will be forwarded by the Division Chief to the Chief, Personnel Division. The Division Chief will give the employee full opportunity to explain his problem personally, notify the employee in writing within five working days of his decision or action taken, and furnish a copy with a complete written case record to the Chief, Personnel Division.

c. If the case is still not settled to the satisfaction of the employee he may request a hearing before an impartial Advisory Appeal Board.

(1) The Board will be constituted from among CIA employees as follows:

- (a) One member named by the employee making the appeal.
- (b) One member named by the Assistant Director or Staff Chief concerned.
- (c) One member selected by the two members named above.
- (d) The Chief, Personnel Division, ^{Chief, Employees Division,} will be non-voting chairman and advisor. In case the first two members named cannot agree on the third member within three working days, the chairman will select a member from any office other than that to which the employee who submitted the appeal is assigned.

(2) The request for hearing will include the name of the board member desired by the employee and be forwarded to the Assistant Director or Staff Chief concerned through the Division Chief and the Chief, Personnel Division, who will attach the case records.

(3) Within two working days after receipt of case records the Assistant Director or Staff Chief will forward the records and his recommendation for a board member to the chairman of the board.

(4) The chairman will convene the board and begin the hearings within 10 working days after receipt of the case from the Assistant Director or Staff Chief. The employee making the appeal may be accompanied to hearings by not more than two representatives of his own choice. He will inform the chairman of the names of such representatives prior to the time of the hearings.

(5) Upon completion of the hearings a written report and the recommendations of the majority of the members of the board certified by the chairman will be forwarded to the Assistant Director or Staff Chief concerned. The Assistant Director or Staff Chief will then, within five working days, make his decision, inform the employee in writing, and return all case records with a copy of his decision to the Chief, Personnel Division.

(6) Except in cases involving alleged discrimination due to race, color, religion or national origin the employee, if he is still dissatisfied, may submit a written appeal to the Director, through the Chief, Personnel Division, who will attach all case records. The Director will make his decision either based on a review of the case records or by hearing the employee in person if deemed necessary. If a hearing is held, the employee may have representation if he so desires. The Director will inform the employee in writing of his decision which will be final. All case records will be returned to the Personnel Division for file.

d. All required action in connection with alleged grievances will be carried out during normal working hours and regular working days.

e. The Personnel Relations Branch, Personnel Division, may be consulted at any time relative to any grievance or complaint.

f. Employees making appeals will be notified in writing of any delays in rendering decisions.

g. Employees will be allowed 10 working days to make appeals from decisions at each level.

h. Where an appeal is made to the Director, the complainant and other officers or employees involved in the complaint will be afforded

an opportunity to appear personally before the Director or a person designated by him. The complainant, if he so desires, may have a representative of his own choosing, *within security limitations.*

4. Fair Employment Procedure

a. Mr. E. R. Saunders, Budget Officer, is designated as CIA Fair Employment Officer under the provision of Executive Order No. 9980.

b. Appeals of decisions of Assistant Directors and Staff Chiefs, in cases involving alleged discrimination due to race, color, religion or national origin will be made to the Fair Employment Officer instead of the Director.

c. Complaints involving discrimination in connection with personnel actions must be submitted not later than 30 calendar days after the complainant learns of the alleged discrimination.

d. The Fair Employment Officer within 10 working days either will take corrective or disciplinary action or recommend to the Director action necessary in cases involving actual discrimination through either action or failure to act.

e. The findings or actions of the Fair Employment Officer may be appealed to the Director.

f. Decisions of the Director in cases involving alleged discrimination due to race, color, religion or national origin which do not satisfy the employee making the appeal may be appealed to the Fair Employment Board in the Civil Service Commission.

5. Expense and Travel

Travel or any other expense which the employee, his representative or witnesses might incur in connection with attendance at hearings granted at the employee's request, will not be borne by CIA. Annual leave, leave without pay, or a combination of both will be granted for actual travel time by any CIA employee involved.

6. Employee Unions

CIA employees have the right to join or to refrain from joining any organizations or associations of employees, the policies of which are not in conflict with their oath of office or appointment affidavits. In exercising this right they will be free from ^{and} any, all restraint, interference and coercion on the part of administrative and supervisory personnel.

7. National Security Council

With the concurrence of the Executive Secretary of the National Security Council the CIA Fair Employment Officer will also act upon any grievances which may arise among personnel of his office. In such cases the Executive Secretary of the National Security Council will take the action prescribed herein for the Director of Central Intelligence.

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:

STATINTL


Captain, USN
Executive

DISTRIBUTION: ALL CIA EMPLOYEES

CONCURRENCES FOR:

ADMINISTRATIVE INSTRUCTION
NO.

STATINTL

SUBJECT: Grievances and Complaints

PERSONNEL STAFF _____ DATE _____
I do (not) concur

BUDGET STAFF _____ DATE _____
I do (not) concur

ADMINISTRATIVE STAFF _____ DATE _____
I do (not) concur

SPECIAL SUPPORT STAFF _____ DATE _____
I do (not) concur

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Chief, Administrative Staff

DATE: 14 December 1949

FROM : Acting Chief, Personnel Division

STATINTL

SUBJECT: Administrative Instruction [] Revision

STATINTL

1. In accordance with your instructions, proposed revision of Administrative Instruction [] has been reviewed. The following questions are noted for your consideration:

Paragraph 2(b) Question the advisability of retaining this provision for the following reasons:

- a. Does CIA have the same responsibility toward applicants as Government agencies under the competitive system?
- b. How, because of security reasons, could applicants ever become cognizant of such a policy?

Paragraph 2(c)(1) "Separate appeal procedures, etc". Is CIA bound by Civil Service Commission rules and regulations on such matters?

STATINTL



To Management Staff - 12-14-49

STATINTL

Concur in [] remarks -

Dve

STATINTL

DRAFT [] 11/30/49

CENTRAL INTELLIGENCE AGENCY
Washington, D. C.

STATINTL

ADMINISTRATIVE INSTRUCTION
NO. []

SUBJECT: Grievances and Complaints

STATINTL

RESCISSIONS: Administrative Instruction No. [] dated 27 Oct. 1948
Administrative Instruction No. [] , dated 16 Nov. 1948

1. Scope

This Instruction provides the policies and procedures for employees seeking adjustment of personal complaints or grievances.

2. Application of Grievance Procedure

a. An employee may appeal under this procedure when:

(1) He is dissatisfied with aspects of his working conditions and relationships which are outside his control.

(2) He has completed his trial or probationary period and is being separated for unsatisfactory service.

(3) He is terminated for cause, such as delinquency or misconduct.

(4) He claims he was discriminated against in a personnel action because of race, color, religion or national origin.

b. An applicant for a position in CIA may appeal under this procedure when he alleges that his failure to be appointed in the Agency is based solely on discrimination.

c. An employee may not use this procedure:

(1) To delay the application of adverse decisions in cases involving efficiency ratings, veterans' preference, reduction

How is an applicant informed of this policy?

in force appeals, and decisions on the classification of position. Separate appeal procedures are provided in the C. S. C. Rules and Regulations on such matters.

(2) In connection with separations made by the Director under authority of Section 102 of the National Security Act of 1947.

(Administrative Instruction)

STATINTL

(3) In connection with the adjudication of loyalty cases.

(Administrative Instruction)

STATINTL

3. Grievance Procedure

a. An employee first should present to his immediate supervisor, orally or in writing, any question, grievance, complaint, misunderstanding or similar difficulty. The supervisor will allow the employee to state his case fully and if necessary to present witnesses. The supervisor will promptly investigate the situation and within five working days notify the employee of his decision or action.

b. If the employee is not satisfied with the decision or action of the supervisor he may appeal in writing to his Division Chief. A copy of the appeal will be forwarded by the Division Chief to the Chief, Personnel Division. The Division Chief will give the employee full opportunity to explain his problem personally, notify the employee in writing within five working days of his decision or action taken, and furnish a copy with a complete written case record to the Chief, Personnel Division.

c. If the case is still not settled to the satisfaction of the employee he may request a hearing before an impartial Advisory Appeal Board.

C.I.G. Administrative Instructions

Approved For Release 2006/11/06 : CIA-RDP81-00728R000100010018-5

STATINTL

[REDACTED]

2 of 2

UNCLASSIFIED

(1) The Board will be constituted from among CIA employees as follows:

- (a) One member named by the employee making the appeal.
- (b) One member named by the Assistant Director or Staff Chief concerned.
- (c) One member selected by the two members named above.
- (d) The Chief, Personnel Division, will be non-voting chairman and advisor. In case the first two members named cannot agree on the third member within three working days, the chairman will select a member from any office other than that to which the employee who submitted the appeal is assigned.

(2) The request for hearing will include the name of the board member desired by the employee and be forwarded to the Assistant Director or Staff Chief concerned through the Division Chief and the Chief, Personnel Division, who will attach the case records.

(3) Within two working days after receipt of case records the Assistant Director or Staff Chief will forward the records and his recommendation for a board member to the chairman of the board.

(4) The chairman will convene the board and begin the hearings within 10 working days after receipt of the case from the Assistant Director or Staff Chief. The employee making the appeal may be accompanied to hearings by not more than two representatives of his own choice. He will inform the chairman of the names of such representatives prior to the time of the hearings.

(5) Upon completion of the hearings a written report and the recommendations of the majority of the members of the board certified by the chairman will be forwarded to the Assistant Director or Staff Chief concerned. The Assistant Director or Staff Chief will then, within five working days, make his decision, inform the employee in writing, and return all case records with a copy of his decision to the Chief, Personnel Division.

(6) Except in cases involving alleged discrimination due to race, color, religion or national origin the employee, if he is still dissatisfied, may submit a written appeal to the Director, through the Chief, Personnel Division, who will attach all case records. The Director will make his decision either based on a review of the case records or by hearing the employee in person if deemed necessary. If a hearing is held, the employee may have representation if he so desires. The Director will inform the employee in writing of his decision which will be final. All case records will be returned to the Personnel Division for file.

d. All required action in connection with alleged grievances will be carried out during normal working hours and regular working days.

e. The Personnel Relations Branch, Personnel Division, may be consulted at any time relative to any grievance or complaint.

f. Employees making appeals will be notified in writing of any delays in rendering decisions.

g. Employees will be allowed 10 working days to make appeals from decisions at each level.

h. Where an appeal is made to the Director, the complainant and other officers or employees involved in the complaint will be afforded

-4-

an opportunity to appear personally before the Director or a person designated by him. The complainant, if he so desires, may have a representative of his own choosing.

4. Fair Employment Procedure

a. Mr. E. R. Saunders, Budget Officer, is designated as CIA Fair Employment Officer under the provision of Executive Order No. 9980.

b. Appeals of decisions of Assistant Directors and Staff Chiefs, in cases involving alleged discrimination due to race, color, religion or national origin will be made to the Fair Employment Officer instead of the Director.

c. Complaints involving discrimination in connection with personnel actions must be submitted not later than 30 calendar days after the complainant learns of the alleged discrimination.

d. The Fair Employment Officer within 10 working days either will take corrective or disciplinary action or recommend to the Director action necessary in cases involving actual discrimination through either action or failure to act.

e. The findings or actions of the Fair Employment Officer may be appealed to the Director.

f. Decisions of the Director in cases involving alleged discrimination due to race, color, religion or national origin which do not satisfy the employee making the appeal may be appealed to the Fair Employment Board in the Civil Service Commission.

5. Expense and Travel

Travel or any other expense which the employee, his representative or witnesses might incur in connection with attendance at hearings granted at the employee's request, will not be borne by CIA. Annual leave, leave without pay, or a combination of both will be granted for actual travel time by any CIA employee involved.

6. Employee Unions

CIA employees have the right to join or to refrain from joining any organizations or associations of employees, the policies of which are not in conflict with their oath of office or appointment affidavits. In exercising this right they will be free from any all restraint, interference and coercion on the part of administrative and supervisory personnel.

7. National Security Council

With the concurrence of the Executive Secretary of the National Security Council the CIA Fair Employment Officer will also act upon any grievances which may arise among personnel of his office. In such cases the Executive Secretary of the National Security Council will take the action prescribed herein for the Director of Central Intelligence.

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:

STATINTEL

Captain, USN
Executive

DISTRIBUTION: ALL CIA EMPLOYEES

CONCURRENCES FOR:

ADMINISTRATIVE INSTRUCTION
NO.

STATINTL

SUBJECT: **Grievances and Complaints**
STATINTL

PERSONNEL STAFF

I do (not) concur

verbally

DATE 12-22-49

BUDGET STAFF _____

DATE _____

I do (not) concur

ADMINISTRATIVE STAFF _____

DATE _____

I do (not) concur

SPECIAL SUPPORT STAFF _____

DATE _____

I do (not) concur

STATINTL

DRAFT- [] 11/30/49

CENTRAL INTELLIGENCE AGENCY
Washington, D. C.

STATINTL

ADMINISTRATIVE INSTRUCTION
NO. []

SUBJECT: Grievances and Complaints

STATINTL

RESCISSIONS: Administrative Instruction [] dated 27 Oct. 1948
Administrative Instruction [] dated 16 Nov. 1948

1. Scope

This Instruction provides the policies and procedures for employees seeking adjustment of personal complaints or grievances.

2. Application of Grievance Procedure

a. An employee may appeal under this procedure when:

(1) He is dissatisfied with aspects of his working conditions and relationships which are outside his control.

(2) He has completed his trial or probationary period and is being separated for unsatisfactory service.

(3) He is terminated for cause, such as delinquency or misconduct.

(4) He claims he was discriminated against in a personnel action because of race, color, religion or national origin.

b. An applicant for a position in CIA may appeal under this procedure when he alleges that his failure to be appointed in the Agency is based solely on discrimination.

c. An employee may not use this procedure:

(1) To delay the application of adverse decisions in cases involving efficiency ratings, veterans' preference, reduction

in force appeals, and decisions on the classification of position. Separate appeal procedures are provided in the C. S. C. Rules and Regulations on such matters.

(2) In connection with separations made by the Director under authority of Section 102 of the National Security Act of 1947.

(Administrative Instruction)

STATINTL

(3) In connection with the adjudication of loyalty cases.

(Administrative Instruction)

STATINTL

3. Grievance Procedure

a. An employee first should present to his immediate supervisor, orally or in writing, any question, grievance, complaint, misunderstanding or similar difficulty. The supervisor will allow the employee to state his case fully and if necessary to present witnesses. The supervisor will promptly investigate the situation and within five working days notify the employee of his decision or action.

b. If the employee is not satisfied with the decision or action of the supervisor he may appeal in writing to his Division Chief. A copy of the appeal will be forwarded by the Division Chief to the Chief, Personnel Division. The Division Chief will give the employee full opportunity to explain his problem personally, notify the employee in writing within five working days of his decision or action taken, and furnish a copy with a complete written case record to the Chief, Personnel Division.

c. If the case is still not settled to the satisfaction of the employee he may request a hearing before an impartial Advisory Appeal Board.

(1) The Board will be constituted from among CIA employees as follows:

- (a) One member named by the employee making the appeal.
- (b) One member named by the Assistant Director or Staff Chief concerned.
- (c) One member selected by the two members named above.
- ✓ (d) The Chief, Personnel Division, will be non-voting chairman and advisor. In case the first two members named cannot agree on the third member within three working days, the chairman will select a member from any office other than that to which the employee who submitted the appeal is assigned.

(2) The request for hearing will include the name of the board member desired by the employee and be forwarded to the Assistant Director or Staff Chief concerned through the Division Chief and the Chief, Personnel Division, who will attach the case records.

(3) Within two working days after receipt of case records the Assistant Director or Staff Chief will forward the records and his recommendation for a board member to the chairman of the board.

(4) The chairman will convene the board and begin the hearings within 10 working days after receipt of the case from the Assistant Director or Staff Chief. The employee making the appeal may be accompanied to hearings by not more than two representatives of his own choice. He will inform the chairman of the names of such representatives prior to the time of the hearings.

(5) Upon completion of the hearings a written report and the recommendations of the majority of the members of the board certified by the chairman will be forwarded to the Assistant Director or Staff Chief concerned. The Assistant Director or Staff Chief will then, within five working days, make his decision, inform the employee in writing, and return all case records with a copy of his decision to the Chief, Personnel Division.

(6) Except in cases involving alleged discrimination due to race, color, religion or national origin the employee, if he is still dissatisfied, may submit a written appeal to the Director, through the Chief, Personnel Division, who will attach all case records. The Director will make his decision either based on a review of the case records or by hearing the employee in person if deemed necessary. If a hearing is held, the employee may have representation if he so desires. The Director will inform the employee in writing of his decision which will be final. All case records will be returned to the Personnel Division for file.

d. All required action in connection with alleged grievances will be carried out during normal working hours and regular working days.

e. The Personnel Relations Branch, Personnel Division, may be consulted at any time relative to any grievance or complaint.

f. Employees making appeals will be notified in writing of any delays in rendering decisions.

g. Employees will be allowed 10 working days to make appeals from decisions at each level.

h. Where an appeal is made to the Director, the complainant and other officers or employees involved in the complaint will be afforded

-4-

an opportunity to appear personally before the Director or a person designated by him. The complainant, if he so desires, may have a representative of his own choosing.

4. Fair Employment Procedure

a. Mr. E. R. Saunders, Budget Officer, is designated as CIA Fair Employment Officer under the provision of Executive Order No. 9980.

b. Appeals of decisions of Assistant Directors and Staff Chiefs, in cases involving alleged discrimination due to race, color, religion or national origin will be made to the Fair Employment Officer instead of the Director.

c. Complaints involving discrimination in connection with personnel actions must be submitted not later than 30 calendar days after the complainant learns of the alleged discrimination.

d. The Fair Employment Officer within 10 working days either will take corrective or disciplinary action or recommend to the Director action necessary in cases involving actual discrimination through either action or failure to act.

e. The findings or actions of the Fair Employment Officer may be appealed to the Director.

f. Decisions of the Director in cases involving alleged discrimination due to race, color, religion or national origin which do not satisfy the employee making the appeal may be appealed to the Fair Employment Board in the Civil Service Commission.

5. Expense and Travel

Travel or any other expense which the employee, his representative or witnesses might incur in connection with attendance at hearings granted at the employee's request, will not be borne by CIA. Annual leave, leave without pay, or a combination of both will be granted for actual travel time by any CIA employee involved.

6. Employee Unions

CIA employees have the right to join or to refrain from joining any organizations or associations of employees, the policies of which are not in conflict with their oath of office or appointment affidavits. In exercising this right they will be free from ^{and} any/all restraint, interference and coercion on the part of administrative and supervisory personnel.

7. National Security Council

With the concurrence of the Executive Secretary of the National Security Council the CIA Fair Employment Officer will also act upon any grievances which may arise among personnel of his office. In such cases the Executive Secretary of the National Security Council will take the action prescribed herein for the Director of Central Intelligence.

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:

Captain, USN
Executive

DISTRIBUTION: ALL CIA EMPLOYEES

STATINTEL

EO 51

WOM GPO

OFFICE

CONCURRENCES FOR:

STATINTL

ADMINISTRATIVE INSTRUCTION
NO.

SUBJECT: Grievances and Complaints

STATINTL

PERSONNEL STAFF _____ DATE _____
I do (not) concur

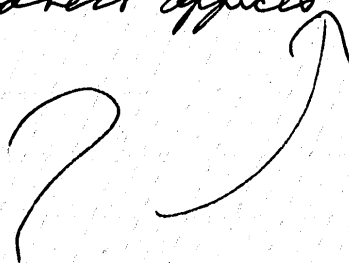
11 BUDGET STAFF DATE 12-6-49
I do (not) concur

ADMINISTRATIVE STAFF _____ DATE _____
I do (not) concur

SPECIAL SUPPORT STAFF _____ DATE _____
I do (not) concur

11 Add the word "and" on page 6, par. 6.

Page 3, par. (1) (d) should be "Personnel Director" or
institution should clarify re "Employees Division"
for career officers



57 MAR 1 1950

STATINTL

DRAFT [] 11/30/49

CENTRAL INTELLIGENCE AGENCY
Washington, D. C.

STATINTL

ADMINISTRATIVE INSTRUCTION
NO. []

SUBJECT: Grievances and Complaints

STATINTL

RESCISSIONS: Administrative Instruction [] dated 27 Oct. 1948
Administrative Instruction [] , dated 16 Nov. 1948

1. Scope

This Instruction provides the policies and procedures for employees seeking adjustment of personal complaints or grievances.

2. Application of Grievance Procedure

a. An employee may appeal under this procedure when:

(1) He is dissatisfied with aspects of his working conditions and relationships which are outside his control.

(2) He has completed his trial or probationary period and is being separated for unsatisfactory service.

(3) He is terminated for cause, such as delinquency or misconduct.

(4) He claims he was discriminated against in a personnel action because of race, color, religion or national origin.

*? how is this
typing action
to be handled?
Jem*
b. An applicant for a position in CIA may appeal under this procedure when he alleges that his failure to be appointed in the Agency is based solely on discrimination.

c. An employee may not use this procedure:

(1) To delay the application of adverse decisions in cases involving efficiency ratings, veterans' preference, reduction

12/1/49

in force appeals, and decisions on the classification of position.

Separate appeal procedures are provided in the C. S. C. Rules and Regulations on such matters.)

(2) In connection with separations made by the Director under authority of Section 102 of the National Security Act of 1947.

(Administrative Instruction [redacted])

STATINTL

(3) In connection with the adjudication of loyalty cases.

(Administrative Instruction [redacted])

STATINTL

3. Grievance Procedure

a. An employee first should present to his immediate supervisor, orally or in writing, any question, grievance, complaint, misunderstanding or similar difficulty. The supervisor will allow the employee to state his case fully and if necessary to present witnesses. The supervisor will promptly investigate the situation and within five working days notify the employee of his decision or action.

b. If the employee is not satisfied with the decision or action of the supervisor he may appeal in writing to his Division Chief. A copy of the appeal will be forwarded by the Division Chief to the Chief, Personnel Division. The Division Chief will give the employee full opportunity to explain his problem personally, notify the employee in writing within five working days of his decision or action taken, and furnish a copy with a complete written case record to the Chief, Personnel Division.

c. If the case is still not settled to the satisfaction of the employee he may request a hearing before an impartial Advisory Appeal Board.

*don't believe
CSC officials do
has anything to do
with CIA ratings
classification etc
possibly veto Prof act
appeal*

(1) The Board will be constituted from among CIA employees as follows:

- (a) One member named by the employee making the appeal.
- (b) One member named by the Assistant Director or Staff Chief concerned.
- (c) One member selected by the two members named above.
- (d) The Chief, Personnel Division, will be non-voting chairman and advisor. In case the first two members named cannot agree on the third member within three working days, the chairman will select a member from any office other than that to which the employee who submitted the appeal is assigned.

(2) The request for hearing will include the name of the board member desired by the employee and be forwarded to the Assistant Director or Staff Chief concerned through the Division Chief and the Chief, Personnel Division, who will attach the case records.

(3) Within two working days after receipt of case records the Assistant Director or Staff Chief will forward the records and his recommendation for a board member to the chairman of the board.

(4) The chairman will convene the board and begin the hearings within 10 working days after receipt of the case from the Assistant Director or Staff Chief. The employee making the appeal may be accompanied to hearings by not more than two representatives of his own choice. He will inform the chairman of the names of such representatives prior to the time of the hearings.

(5) Upon completion of the hearings a written report and the recommendations of the majority of the members of the board certified by the chairman will be forwarded to the Assistant Director or Staff Chief concerned. The Assistant Director or Staff Chief will then, within five working days, make his decision, inform the employee in writing, and return all case records with a copy of his decision to the Chief, Personnel Division.

(6) Except in cases involving alleged discrimination due to race, color, religion or national origin the employee, if he is still dissatisfied, may submit a written appeal to the Director, through the Chief, Personnel Division, who will attach all case records. The Director will make his decision either based on a review of the case records or by hearing the employee in person if deemed necessary. If a hearing is held, the employee may have representation if he so desires. The Director will inform the employee in writing of his decision which will be final. All case records will be returned to the Personnel Division for file.

d. All required action in connection with alleged grievances will be carried out during normal working hours and regular working days.

e. The Personnel Relations Branch, Personnel Division, may be consulted at any time relative to any grievance or complaint.

f. Employees making appeals will be notified in writing of any delays in rendering decisions.

g. Employees will be allowed 10 working days to make appeals from decisions at each level.

h. Where an appeal is made to the Director, the complainant and other officers or employees involved in the complaint will be afforded

representative other than a person
an employee?

STATINTL

an opportunity to appear personally before the Director or a person designated by him. The complainant, if he so desires, may have a representative of his own choosing.

4. Fair Employment Procedure

how applicants if it is included under 2 jpm

a. Mr. E. R. Saunders, Budget Officer, is designated as CIA Fair Employment Officer under the provision of Executive Order No. 9980.

b. Appeals of decisions of Assistant Directors and Staff Chiefs, in cases involving alleged discrimination due to race, color, religion or national origin will be made to the Fair Employment Officer instead of the Director.

c. Complaints involving discrimination in connection with personnel actions must be submitted not later than 30 calendar days after the complainant learns of the alleged discrimination.

d. The Fair Employment Officer within 10 working days either will take corrective or disciplinary action or recommend to the Director action necessary in cases involving actual discrimination ~~through either action or failure to act.~~

e. The findings or actions of the Fair Employment Officer may be appealed to the Director.

f. Decisions of the Director in cases involving alleged discrimination due to race, color, religion or national origin which do not satisfy the employee making the appeal may be appealed to the Fair Employment Board in the Civil Service Commission.

5. Expense and Travel

Travel or any other expense which the employee, his representative or witnesses might incur in connection with attendance at hearings granted at the employee's request, will not be borne by CIA. Annual leave, leave without pay, or a combination of both will be granted for actual travel time by any CIA employee involved.

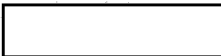
6. Employee Unions

CIA employees have the right to join or to refrain from joining any organizations or associations of employees, the policies of which are not in conflict with their oath of office or appointment affidavits. In exercising this right they will be free from any all restraint, interference and coercion on the part of administrative and supervisory personnel.

7. National Security Council

With the concurrence of the Executive Secretary of the National Security Council the CIA Fair Employment Officer will also act upon any grievances which may arise among personnel of his office. In such cases the Executive Secretary of the National Security Council will take the action prescribed herein for the Director of Central Intelligence.

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:


Captain, USN
Executive

STATINTTEL

DISTRIBUTION: ALL CIA EMPLOYEES

CONCURRENCES FOR:

ADMINISTRATIVE INSTRUCTION
NO.

STATINTL

SUBJECT: Grievances and Complaints

PERSONNEL STAFF _____ **DATE** _____
I do (not) concur

BUDGET STAFF _____ **DATE** _____
I do (not) concur

ADMINISTRATIVE STAFF _____ **DATE** _____
I do (not) concur

SPECIAL SUPPORT STAFF _____ **DATE** _____
I do (not) concur

STATINTL

ADMINISTRATIVE INSTRUCTION
NUMBER []Date:
27 Oct 48

STATINTL

SUBJECT: GRIEVANCES AND COMPLAINTS

(This Rescinds Administrative Instruction [] dated
23 April 1947)REFERENCES: Executive Order No. 9830, dated 24 February 1947 (Grievances)
Executive Order No. 9980, dated 26 July 1948 (Fair Employment
Practices)1. POLICY

a. Assistant Directors, Staff Chiefs and other employees in supervisory capacities will, in the administration of their offices, insure optimum working conditions and relationships for personnel under their supervision.

b. All recommendations for personnel actions will be based solely on merit and fitness of an employee and in making such recommendations there will be no discrimination because of race, color, religion, or national origin.

c. It is recognized that dissatisfaction on the part of employees may arise in connection with working conditions and relationships, or status of employment. It is recognized further that applicants for positions in CIA may feel that their failure to be appointed in the Agency is based on discrimination. This instruction provides a standard procedure for seeking adjustment of personal complaints and grievances without restraint, interference, coercion or reprisal.

2. APPLICATION OF GRIEVANCE PROCEDURE

a. An employee may appeal under this procedure when:

(1) He is dissatisfied with aspects of his working conditions and relationships which are outside his control.

dr to

OK. Cut Stencil
for my sig. DS
26 Oct

- 2 -

(2) He has completed his trial or probationary period and is being separated for unsatisfactory service.

(3) He is terminated for cause, such as delinquency or misconduct.

(4) He claims he was discriminated against in a personnel action because of race, color, religion or national origin. (Executive Order No. 9980, dated 26 July 1948).

b. An applicant for a position in CIA may appeal under this procedure when

~~he~~ ~~he~~ alleges that his failure to be appointed in the Agency is based solely on discrimination.

c. An employee may not use this procedure:

(1) To delay the application of adverse decisions in cases involving efficiency ratings, veterans' preference, reduction in force appeals, and decisions on the classification of positions. Separate appeal procedures are provided in the G.S.C. Rules and Regulations on such matters.

(2) In connection with separations made by the Director under authority of Section 102 of the National Security Act of 1947. (See Administrative Instruction)

(3) In connection with the adjudication of loyalty cases. (See Administrative Instruction)

3. GRIEVANCE PROCEDURE

a. An employee should first present to his immediate supervisor, orally or in writing, any question, grievance, complaint, misunder-

STATINTL

STATINTL

- 3 -

standing or similar difficulty. The supervisor will allow the employee to state his case fully and if necessary to present witnesses. The supervisor will promptly investigate the situation and within five working days notify the employee of his decision or action.

b. If the employee is not satisfied with the decision or action of the supervisor he may appeal in writing to the Branch Chief. A copy of the written appeal will be forwarded by the Branch Chief to the Chief, *(Personnel Office after 30 Nov 1948)* Personnel Branch, A&M. The Branch Chief will give the employee full opportunity to explain his problem personally, notify the employee in writing within five working days of his decision or action taken, and furnish a copy with a complete written case record to the Chief, Personnel Branch.

c. (1) If the case is still not settled to the satisfaction of the employee he may request a hearing before an impartial Advisory Appeal Board to be constituted from among CIA employees as indicated below:

- (a) One member named by the employee making the appeal.
- (b) One member named by the Assistant Director or Staff Chief concerned.
- (c) One member selected by the two members named above.
- (d) The Chief, Personnel Branch will be non-voting Chairman and advisor. In case the first two members named cannot agree within three working days on the third member, the Chairman will select such member from any office other than that to which

- 4 -

the employee who submitted the appeal is assigned.

(2) The request for hearing will include the name of the board member desired by the employee and be forwarded to the Assistant Director or Staff Chief concerned through the Branch Chief and the Chief, Personnel Branch who will attach the case records.

(3) Within two working days after receipt of case records the Assistant Director or Staff Chief will forward the case, with his recommendation for a board member, to the Chairman of the Board.

(4) The chairman will convene the board and begin the hearings within 10 working days after receipt of the case from the Assistant Director or Staff Chief. The employee making the appeal may be accompanied to hearings by not more than two representatives of his own choice. He will inform the chairman of the names of such representatives prior to the time of the hearings.

(5) Upon completion of the hearings a written report and the recommendations of the majority of the members of the board certified by the Chairman will be forwarded to the Assistant Director or Staff Chief concerned. The Assistant Director or Staff Chief will then within five working days make his decision, inform the employee in writing and return all case records with a copy of his decision to the Chief, Personnel Branch.

- 5 -

(6) Except in cases involving alleged discrimination due to race, color, religion or national origin, the employee, if he is still dissatisfied, may submit a written appeal to the Director, through the Chief, Personnel Branch, who will attach all case records. The Director will make his decision either based on a review of the case records or by hearing the employee in person if deemed necessary. If a hearing is held the employee may have representation if he so desires. The Director will inform the employee in writing of his decision, which will be final. All case records will be returned to the Person^{nel} Branch for file.

d. (1) The Executive for ~~A&M~~ ^(Deputy EEO for Admin after 30 Nov 1948) is designated as CIA Fair Employment Officer under the provision of Executive Order No. 9980.

(2) Appeals of decisions of Assistant Directors, Staff Chiefs, in cases involving alleged discrimination due to race, color, religion or national origin will be made to the Fair Employment Officer instead of the Director.

(3) Complaints involving discrimination in connection with personnel actions must be submitted not later than 30 calendar days after the complainant learns of the alleged discrimination.

(4) The Fair Employment Officer will within 10 working days either take personally, or recommend to the Director, any corrective or disciplinary action considered necessary in cases involving actual discrimination through either action or failure to act.

- 6 -

(5) The findings or actions of the Fair Employment Officer may be appealed to the Director.

(6) Decisions of the Director in cases involving alleged discrimination due to race, color, religion or national origin which do not satisfy the employee making the appeal may be appealed to the Fair Employment Board in the Civil Service Commission.

(7) The provisions of this sub-paragraph^d provide an interim means for implementing Executive Order No. 9980 and are subject to change to bring them into accord with any regulations in conflict or elaboration which may later be issued by the Civil Service Commission.

e. All required action in connection with alleged grievances will be carried out during normal working hours and regular working days.

f. The Personnel Relations Division, Personnel Branch, may be consulted at any time relative to any grievance or complaint.

4. a. Employees making appeals will be notified in writing of any delay in rendering decisions.

b. Employees will be allowed 10 working days to make appeals from decisions at each level.

c. Where an appeal is made to the Director, the complainant and other officers or employees involved in the complaint will be afforded an opportunity to appear personally. ^{before the Director or a person designated by him.} The complainant, if he so desires, may have a representative of his own choosing.

- 7 -

5. EXPENSE AND TRAVEL

Travel or any other expenses which the employee, his representative or witnesses might incur in connection with attendance at hearings granted at the employee's request, will not be borne by CIA. Annual leave, leave without pay, or a combination of both will be granted for actual travel time by any CIA employee involved.

6. EMPLOYEE UNIONS

CIA employees have the right to join or to refrain from joining any organizations or associations of employees, the policies of which are not in conflict with their oath of office or appointment affidavits. In exercising this right they will be free from any and all restraint, interference and coercion on the part of administrative and supervisory personnel.

7. *For the de:*

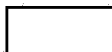
R. H. HELLENKOTTER
 Rear Admiral, USN
 Director of Central Intelligence

L.T.S.

↓
 7. NATIONAL SECURITY COUNCIL

With the concurrence of the Executive Secretary of the National Security Council, the CIA Fair Employment Officer will also act upon any grievances which may arise among personnel of his office. In such cases, the Executive Secretary of the National Security Council will take the action prescribed herein for the Director of Central Intelligence.

STATINTL



STATINTL

DRAFT []
(9 September 1948)

STATINTL

ADMINISTRATIVE INSTRUCTION
NUMBER []

STATINTL

SUBJECT: GRIEVANCES AND COMPLAINTS
(This rescinds Administrative Instruction [] dated 23
April 1947)REFERENCES: Executive Order No. 9830, dated 24 February 1947 (Grievances)
Executive Order No. 9980, dated 26 July 1948 (Fair Employment
Practices)1. POLICY

a. Assistant Directors, Staff Chiefs and other employees in supervisory capacities will, in the administration of their offices, insure optimum working conditions and relationships for personnel under their supervision.

b. All recommendations for personnel actions involving ~~appointments, transfers and promotions~~ ^{salary} will be based on merit and fitness of an employee and in making such recommendations there will be no discrimination because of race, color, religion, or national origin.

c. It is recognized that dissatisfaction on the part of employees may arise in connection with working conditions and relationships, or status of employment. ^{it is recognized further that applicants for positions in CIA may believe that their failure to be appointed is the agency's fault on discrimination} This instruction provides a standard procedure for seeking adjustment of personal complaints and grievances without restraint, interference, coercion or reprisal.

2. APPLICATION OF GRIEVANCE PROCEDURE

a. An employee may appeal under this procedure when:

- (1) He is dissatisfied with aspects of his working conditions and relationships which are outside his control.
- (2) He has completed his trial or probationary period and is being separated for unsatisfactory service.

(3) He is terminated for cause, such as delinquency or misconduct.

(4) He claims he was discriminated against in a personnel action because of race, color, religion or national origin.

(Executive Order No. 9980, dated 26 July 1948)

d.
C. An employee may not use this procedure:

(1) To delay the application of adverse decisions in cases involving efficiency ratings, veterans' preference *Reduction in force appeals* and decisions on the classification of positions. Separate appeal procedures are provided in the C. S. C. Rules and Regulations on such matters.

(2) In connection with separations made by the Director under authority of Section 102 of the National Security Act of 1947. (See Administrative Instruction)

STATINTL

(3) In connection with the adjudication of loyalty cases. (See Administrative Instruction)

STATINTL

~~(4) In connection with problems affecting general working conditions or matters which have broad application, involving general policy or administrative practices.~~

3. GRIEVANCE PROCEDURE

a. An employee should first present to his immediate supervisor, orally or in writing, any question, grievance, complaint, misunderstanding or similar difficulty. The supervisor will allow the employee to state his case fully and if necessary to present witnesses. The supervisor will promptly investigate the situation and within five working days notify the employee of his decision or action.

b. If the employee is not satisfied with the decision or action of the supervisor he may appeal in writing to the Branch Chief. A copy of the written appeal will be forwarded by the Branch Chief to the Chief, Personnel Branch, A&M. The Branch Chief will give the employee full opportunity to explain his problem personally, notify the employee in writing within five working days of his decision or action taken, and furnish a copy with a complete written case record to the Chief, Personnel Branch.

c. (1) If the case is still not settled to the satisfaction of the employee he may request a hearing before an impartial Advisory Appeal Board to be constituted from among CIA employees as indicated below:

- (a) One member named by the employee making the appeal.
- (b) One member named by the Assistant Director or Staff Chief concerned.
- (c) One member selected by the two members named above.
- (d) The Chief, Personnel Branch will be non-voting Chairman and advisor. In case the first two members named cannot agree within three working days on the third member, the Chairman will select such member from any office other than that to which the employee who submitted the appeal is assigned.

(2) The request for hearing will include the name of the board member desired by the employee and be forwarded to the Assistant Director or Staff Chief concerned through the Branch Chief and the Chief, Personnel Branch who will attach the case records.

(3) Within two working days after receipt of case records

the Assistant Director or Staff Chief will forward the case, with his recommendation for a board member, to the Chairman of the Board.

(4) The chairman will convene the board and begin the hearings within 10 working days after receipt of the case from the Assistant Director or Staff Chief. The employee making the appeal may be accompanied to hearings by not more than two ~~employees~~ ^{representatives} of his own choice. He will inform the chairman of the names of such ~~employees~~ ^{representatives} prior to the time of the hearings.

(5) Upon completion of the hearings a written report and the recommendations of the majority of the members of the board certified by the chairman will be forwarded to the Assistant Director or Staff Chief concerned. The Assistant Director or Staff Chief will then within five working days make his decision, inform the employee in writing and return all case records with a copy of his decision to the Chief, Personnel Branch.

(6) Except in cases involving alleged discrimination due to race, color, religion or national origin, the employee, if he is still dissatisfied, may submit a written appeal to the Director, through the Chief, Personnel Branch, who will attach all case records. The Director will make his decision either based on a review of the case records or by hearing the employee in person if deemed necessary. If a hearing is held the employee may have representation if he so desires. ✓ The Director will inform the employee in writing of his decision, which will be final. All case records will be returned to the Personnel Branch for file.

TTATD

d. (1) The Executive for A&M is designated as CIA Fair Employment Officer under the provision of Executive Order No. 9980.

(2) Appeals of decisions of Assistant Directors, ~~or Staff~~ *replacement officers* Chiefs, in cases involving alleged discrimination due to race, color, religion or national origin will be made to the Fair Employment Officer instead of the Director.

(3) (4) The Fair Employment Officer will within 10 working days either take personally, or recommend to the Director, any corrective or disciplinary action considered necessary in cases involving actual discrimination through either action or failure to act.

(5) The findings or actions of the Fair Employment Officer may be appealed to the Director.

(6) Decisions of the Director in cases involving alleged discrimination due to race, color, religion or national origin which do not satisfy the employee making the appeal may be appealed to the *Fair Employment Board in the* Civil Service Commission.

(7) The provisions of this sub-paragraph d provide an interim means for implementing Executive Order No. 9980 and are subject to change to bring them into accord with any regulations in conflict or elaboration which may later be issued by the Civil Service Commission.

e. All required action in connection with alleged grievances will be carried out during normal working hours and regular working days.

f. The Personnel Relations Division, Personnel Branch, may be consulted at any time relative to any grievance or complaint.

4. a. Employees making appeals will be notified in writing of any delays in rendering decisions.

b. Employees will be allowed 10 working days to make appeals from decisions at each level.

E. where appeal is made to the head of the agency and other offices as employees are involved. The complainant will be afforded an opportunity to appear personally. The complainant, if he so desires may have a representative of his own choosing.

5. EXPENSE AND TRAVEL Travel or any other expenses which the employee, his representative or witnesses might incur in connection with attendance at hearings granted at the employee's request, will not be borne by CIA. Annual leave, leave without pay, or a combination of both will be granted for actual travel time by any CIA employee involved.

R. H. HILLENKOETTER
Rear Admiral, USN
Director of Central Intelligence

DISTRIBUTION: All CIA Employees

RECEIVED
JAN 10 1962
JAN 10 1962

UNCLASSIFIED . RES CTED CONFIDENTIAL SECRET
(SENDER WILL CIRCLE CLASSIFICATION TOP AND BOTTOM)

CENTRAL INTELLIGENCE AGENCY
OFFICIAL ROUTING SLIP

TO		INITIALS	DATE
1	Gen Counsel	LPH	20 Sept
2	Exec for A & M.		
3	suggested changes discussed		
4	with [] who concurs.		
5		LPH	
FROM		INITIALS	DATE
1	Exec for A & M	WS	13 Sept
2			
3			

☐ APPROVAL ☐ INFORMATION ☐ SIGNATURE
☐ ACTION ☐ DIRECT REPLY ☐ RETURN
☒ COMMENT ☐ PREPARATION OF REPLY ☐ DISPATCH
☐ CONCURRENCE ☐ RECOMMENDATION ☐ FILE

REMARKS: Previous draft has been completely rewritten.
 Draft will be cleared with CSC prior to publication.
 Interim instructions re FEP have already been cleared with CSC representatives.
 WS

SECRET CONFIDENTIAL RESTRICTED UNCLASSIFIED

[Redacted Box]

Please rewrite pages where Gen Counsel has indicated changes and have Pers Budget clearance from CSC for issuance.

WS
21 Sept

Robert
M...

STATINTL

ILLEGIB

FEDERAL REGISTER

Wednesday, September 29, 1948

TITLE 5 -- ADMINISTRATIVE PERSONNEL

Chapter 1 -- C.S.C.

Part 36 -- Interim Procedures Governing Fair Employment Practices Under Executive Order 9980

Pursuant to Executive Order 9980 the Commission, pending the establishment of the Fair Employment Board authorized therein, hereby prescribes the following interim procedures governing fair employment practices within the executive branch of the Government:

36.1 - Coverage. The regulations in this part shall apply to all departments and agencies in the executive branch of the Government and to all personnel actions with respect to positions therein.

36.2 - Fair Employment Officer. (a) The head of each department or agency shall designate an official thereof as Fair Employment Officer, and shall assign to him the duties and responsibilities which will further the effective administrative operation of the department or agency and encourage the carrying out of Executive Order 9980.

(b) The Fair Employment Officer may represent the head of the department or agency in matters pertaining to Executive Order 9980, subject to his instructions.

(c) The head of each department or agency shall provide, on a temporary or permanent basis, either a Fair Employment Officer, or a Fair Employment Board, for each regional or other appropriate field office or local establishment in accordance with the needs and problems of the agency in each field area. Such Fair Employment Officer or Fair Employment Board shall be appointed from among the officers and employees of the department or agency.

(d) The head of each department or agency shall instruct the officers of his department or agency with regard to the meaning, spirit, and application of Executive Order 9980. He shall give notice to all officers and employees of the designation of the Fair Employment Officer, and to the employees of the regional or other appropriate field office of the designation of the Fair Employment Officer or Board for that office.

36.3 - General procedures for handling complaints and appeals.

(a) Complaints concerning personnel actions taken in any department or agency on grounds of alleged discrimination because of race, color, religion, or national origin shall be made not later than 30 calendar days after the complainant learns of the alleged acts of discrimination.

(b) Any person having a complaint concerning a personnel action taken in the department or agency on grounds of alleged discrimination shall first make a formal or informal complaint either to the head of the organizational unit in the local office where the alleged acts of dis-

crimination occurred, or to the head of such local office, in order to obtain proper understanding and adjustment, if possible, through such means at this level of the department or agency.

(c) Hearings on complaints or appeals concerning personnel actions which it is alleged were taken by the department or agency on grounds of discrimination shall be conducted in the first instance within the regional office or other appropriate field office or local establishment.

(d) The complainant shall have a further right of appeal, if desired, through successively higher appropriate agency channels, including appeal to the head of the agency. Complaints which are appealed beyond the head of the local office involved shall be in writing, and shall include a description of the specific action which is alleged to constitute the discrimination, together with evidence to support the allegation.

(e) Complaints shall be investigated as well as heard in such manner as appears fair and appropriate to the head of the department or agency, in consultation with the Fair Employment Officer. The complainant and the officers or employees against whom complaint is made shall present their side of the case to the investigator, who may require the complainant to further substantiate his complaint by bringing in witnesses or indicating further sources of information. He may also require the officers or employees concerned to submit additional information.

(f) Whenever the Fair Employment Officer or Fair Employment Board finds that discrimination because of race, color, religion, or national origin is established in connection with any personnel action he shall advise the head of the regional office or other appropriate office of the department or agency.

(g) The head of the department or agency shall provide a suitable method for taking corrective administrative action in cases where complaints appear, after investigation, to be justified.

(h) Where appeal is made to the head of the department or agency, the complainant and other officers or employees of the department or agency involved in the complaint shall be afforded an opportunity to appear personally before the head of such agency, or a person designated by such head. The complainant, if he so desires, may have a representative of his own choosing.

(i) An appeal from an unfavorable decision by the head of the department or agency may be filed with the Fair Employment Board in the Civil Service Commission.

36.4 - Discrimination alleged in connection with other types of appeals. (a) Where an appeal involving section 14 of the Veterans' Preference Act of 1944, or reduction in force, or efficiency rating, includes also complaint of alleged discrimination on grounds of race, color, religion, or national origin, such appeal shall first be adjudicated in accordance with the Commission's regulations that are regularly applicable in these types of appeals. The question of discrimination shall then be referred to the department or agency concerned for such further action as may be necessary under Executive Order 9980.

U.S.C.S.C.

H. B. Mitchell, President.

CENTRAL INTELLIGENCE AGENCY
Washington 25, D. C.

16 November 1948

ADMINISTRATIVE INSTRUCTION
NUMBER [REDACTED]

STATINTL

SUBJECT: GRIEVANCES AND COMPLAINTS

STATINTL

Paragraph 3d(1), Administrative Instruction No. [REDACTED]
dated 27 October 1948, is changed to read as follows:

STATINTL

[REDACTED] Deputy Executive for Inspection
and Security, is designated as CIA Fair Employment Officer
under the provision of Executive Order No. 9980."

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:

STATINTL

[REDACTED]
Executive for
Administration and Management

DISTRIBUTION: ALL CIA EMPLOYEES

[PUBLIC LAW 600—79TH CONGRESS]

[CHAPTER 744—2D SESSION]

[H. R. 6533]

AN ACT

To authorize certain administrative expenses in the Government service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) under such regulations as the President may prescribe, any civilian officer or employee of the Government who, in the interest of the Government, is transferred from one official station to another, including transfer from one department to another, for permanent duty, shall, except as otherwise provided herein, when authorized, in the order directing the travel, by such subordinate official or officials of the department concerned as the head thereof may designate for the purpose, be allowed and paid from Government funds the expenses of travel of himself and the expenses of transportation of his immediate family (or a commutation thereof in accordance with the Act of February 14, 1931) and the expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of his household goods and personal effects (not to exceed seven thousand pounds if uncrated or eight thousand seven hundred and fifty pounds if crated or the equivalent thereof when transportation charges are based on cubic measurement): *Provided*, That advances of funds may be made to the officer or employee in accordance with said regulations under the same safeguards as are required under the Subsistence Expense Act of 1926 (5 U. S. C. 828): *Provided further*, That the allowances herein authorized shall not be applicable to civilian employees of the War Department and their dependents when transferred under the provisions of section 3 of the Act of June 5, 1942 (50 U. S. C. 763), nor to officers and employees of the Foreign Service, Department of State: *Provided further*, That no part of such expenses (including those of officers and employees of the Foreign Service, Department of State) shall be allowed or paid from Government funds where the transfer is made primarily for the convenience or benefit of the officer or employee or at his request: *Provided further*, That in case of transfer from one department to another such expenses shall be payable from the funds of the department to which the officer or employee is transferred.

(b) In lieu of the payment of actual expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects, in the case of such transfers between points in continental United States, reimbursement shall be made to the officer or employee on a commuted basis (not to exceed the amount which would be allowable for the authorized weight allowance) at such rates per one hundred pounds as may be fixed by zones in regulations prescribed by the President.

[Pub. Law 600]

2

(c) Funds available for travel expenses of civilian officers and employees shall also be available for the expenses of the transportation of their immediate families, and funds available for the transportation of things shall also be available for the transportation of household goods and effects, as authorized by this Act.

Sec. 2. The Act of October 10, 1940 (5 U. S. C. 73c-1), relating to allowances for the transportation of household goods, section 5 of the Act of March 4, 1923, as amended (19 U. S. C. 48), relating to traveling and subsistence expenses of customs officers and employees, the first sentence of section 645 (a) of the Tariff Act of 1930 (19 U. S. C. 1645 (a)), relating to traveling and subsistence expenses of the families of such officers and employees, and other Acts relating to allowances to civilian officers and employees in the executive branch of the Government (except those mentioned in the second proviso clause of section 1 (a) of this Act) on transfer from one official station to another for permanent duty, are hereby repealed.

Sec. 3. The Act of February 14, 1931 (5 U. S. C. 73a), as amended, is further amended to read as follows:

"Civilian officers or employees or others rendering service to the Government shall, under regulations prescribed by the President, and unless otherwise provided in the appropriation concerned or other law, and whenever such mode of transportation is authorized or approved as more advantageous to the Government, be paid in lieu of actual expenses of transportation not to exceed 2 cents per mile for the use of privately owned motorcycles or 5 cents per mile for the use of privately owned automobiles or airplanes when engaged in necessary travel on official trips from their designated posts of duty or places of service, or 2 cents per mile for the use of privately owned motorcycles or 4 cents per mile for the use of privately owned automobiles when used on official business wholly within the limits of their official stations or places of service. In addition to the mileage allowances provided for in this section, there may be allowed reimbursement for the actual cost of ferry fares and bridge, road, and tunnel tolls."

Sec. 4. Until June 30, 1948, when authorized in an appropriation or other Act, appropriations available for travel expenses shall be available for the payment, without regard to the rates authorized by the Subsistence Expense Act of 1926, as amended (5 U. S. C. 821-833), of per diem allowances in lieu of subsistence expenses to civilian officers and employees of departments while traveling on official business outside continental United States and away from their designated posts of duty: *Provided*, That the amount of such allowances shall be determined by the head of the department concerned or by such subordinates as he may designate for the purpose, but shall in no case exceed the maximum established by regulations prescribed by the President for the locality in which the travel is performed.

Sec. 5. Persons in the Government service employed intermittently as consultants or experts and receiving compensation on a per diem when actually employed basis may be allowed travel expenses while away from their homes or regular places of business, including per diem in lieu of subsistence while at place of such employment, in accordance with the Standardized Government Travel Regulations, Subsistence Expense Act of 1926, as amended (5 U. S. C. 821-833), and the Act of February 14, 1931, as amended by this Act, and persons serving without compensation or at \$1 per annum may be allowed,

while away from their homes or regular places of business, transportation in accordance with said regulations and said Act of February 14, 1931, as so amended, and not to exceed \$10 per diem in lieu of subsistence en route and at place of such service or employment unless a higher rate is specifically provided in an appropriation or other Act.

Sec. 6. Section 10 of the Act of March 3, 1933 (5 U. S. C. 73b), is hereby amended to read as follows:

"Sec. 10. Whenever by or under authority of law actual expenses for transportation may be allowed, such allowances shall not exceed the lowest first-class rate by the transportation facility used in such transportation unless it is certified, in accordance with regulations prescribed by the President, that lowest first-class accommodations are not available or that use of a compartment or such other accommodations as may be authorized or approved by the head of the agency concerned or such subordinates as he may designate, is required for purposes of security."

Sec. 7. Appropriations for the departments shall be available, in accordance with regulations prescribed by the President, for expenses of travel of new appointees, expenses of transportation of their immediate families and expenses of transportation of their household goods and personal effects from places of actual residence at time of appointment to places of employment outside continental United States, and for such expenses on return of employees from their posts of duty outside continental United States to the place of their actual residence at time of assignment to duty outside the United States: *Provided*, That such expenses shall not be allowed new appointees unless and until the person selected for appointment shall agree in writing to remain in the Government service for the twelve months following his appointment, unless separated for reasons beyond his control. In case of a violation of such agreement any moneys expended by the United States on account of such travel and transportation shall be considered as a debt due by the individual concerned to the United States. This section shall not apply to appropriations for the Foreign Service, State Department.

Sec. 8. In purchasing motor-propelled or animal-drawn vehicles or tractors, or road, agricultural, manufacturing, or laboratory equipment, or boats, or parts, accessories, tires, or equipment thereof, or any other article or item the exchange of which is authorized by law, the head of any department or his duly authorized representative may exchange or sell similar items and apply the exchange allowances or proceeds of sales in such cases in whole or in part payment therefor: *Provided*, That any transaction carried out under the authority of this section shall be evidenced in writing.

Sec. 9. (a) Section 3709 of the Revised Statutes of the United States is hereby amended to read as follows:

"Unless otherwise provided in the appropriation concerned or other law, purchases and contracts for supplies or services for the Government may be made or entered into only after advertising a sufficient time previously for proposals, except (1) when the amount involved in any one case does not exceed \$100, (2) when the public exigencies require the immediate delivery of the articles or performance of the service, (3) when only one source of supply is available and the Government purchasing or contracting officer shall so certify, or (4) when

[Pub. Law 600.]

4

the services are required to be performed by the contractor in person and are (A) of a technical and professional nature or (B) under Government supervision and paid for on a time basis. Except (1) as authorized by section 29 of the Surplus Property Act of 1944 (50 U. S. C. App. 1638), (2) when otherwise authorized by law, or (3) when the reasonable value involved in any one case does not exceed \$100, sales and contracts of sale by the Government shall be governed by the requirements of this section for advertising."

(b) Exemptions from section 3709, Revised Statutes, in other law in amounts of \$100 or less are hereby repealed.

(c) In the case of wholly owned Government corporations, this section shall apply to their administrative transactions only.

SEC. 10. Whenever a department is authorized by law to hold hearings and to subpoena witnesses for appearance at said hearings, witnesses summoned to and attending such hearings shall be entitled to the same fees and mileage, or expenses in the case of Government officers and employees, as provided by law for witnesses attending in the United States courts.

SEC. 11. The first sentence of section 3648 of the Revised Statutes (31 U. S. C. 529) is hereby amended to read as follows:

"No advance of public money shall be made in any case unless authorized by the appropriation concerned or other law."

SEC. 12. The head of any department may delegate to subordinate officials (1) the power vested in him by law to take final action on matters pertaining to the employment, direction, and general administration of personnel under his department; (2) the authority vested in him by section 3683 of the Revised Statutes (31 U. S. C. 675) to direct the purchase of articles from contingent funds; and (3) the authority vested in him by section 3828, Revised Statutes (44 U. S. C. 324), to authorize the publication of advertisements, notices or proposals.

SEC. 13. Appropriations available for the procurement of supplies and material or equipment shall be available for the purchase and maintenance of special clothing and equipment for the protection of personnel in the performance of their assigned tasks.

SEC. 14. The head of each department is authorized, under such rules and regulations as the President may prescribe, to pay cash awards to civilian officers and employees (or to their estates) who make meritorious suggestions which will result in improvement or economy in the operations of his department and which have been adopted for use and to incur necessary expenses for the honorary recognition of exceptional or meritorious service: *Provided*, That no award shall be paid to any officer or employee for any suggestion which represents a part of the normal requirements of the duties of his position. With the exception of the War and Navy Departments, the amount of any one award shall not exceed \$1,000 and the total of cash awards paid during any fiscal year in any department shall not exceed \$25,000. Payments may be made from the appropriation for the activity primarily benefiting or may be distributed among appropriations for activities benefiting as the head of the department determines. A cash award shall be in addition to the regular compensation of the recipient and the acceptance of such cash award shall constitute an agreement that the use by the United States of the suggestion for which the award is made

shall not form the basis of a further claim of any nature upon the United States by him, his heirs or assigns.

All other Acts or parts of Acts in conflict with the provisions of this section are hereby repealed.

Sec. 15. The head of any department, when authorized in an appropriation or other Act, may procure the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract, and in such cases such service shall be without regard to the civil-service and classification laws (but as to agencies subject to the Classification Act at rates not in excess of the per diem equivalent of the highest rate payable under the Classification Act, unless other rates are specifically provided in the appropriation or other law) and, except in the case of stenographic reporting services by organizations, without regard to section 3709, Revised Statutes, as amended by this Act.

Sec. 16. (a) Section 5 of the Act of July 16, 1914 (5 U. S. C. 78), is amended to read as follows:

"Sec. 5. (a) Unless specifically authorized by the appropriation concerned or other law, no appropriation shall be expended to purchase or hire passenger motor vehicles for any branch of the Government other than those for the use of the President of the United States, the secretaries to the President, or the heads of the executive departments enumerated in 5 U. S. C. 1.

"(b) Excepting appropriations for the Military and Naval Establishments, no appropriation shall be available for the purchase, maintenance, or operation of any aircraft unless specific authority for the purchase, maintenance, or operation thereof has been or is provided in such appropriation.

"(c) Unless otherwise specifically provided, no appropriation available for any department shall be expended—

"(1) to purchase any passenger motor vehicle (exclusive of busses, ambulances, and station wagons), at a cost, completely equipped for operation, and including the value of any vehicle exchanged, in excess of the maximum price therefor, if any, established pursuant to law by a Government agency and in no event more than such amount as may be specified in an appropriation or other Act, which shall be in addition to the amount required for transportation;

"(2) for the maintenance, operation, and repair of any Government-owned passenger motor vehicle or aircraft not used exclusively for official purposes; and 'official purposes' shall not include the transportation of officers and employees between their domiciles and places of employment, except in cases of medical officers on out-patient medical service and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the department concerned. Any officer or employee of the Government who willfully uses or authorizes the use of any Government-owned passenger motor vehicle or aircraft, or of any passenger motor vehicle or aircraft leased by the

[Pub. Law 600.]

6

Government, for other than official purposes or otherwise violates the provisions of this paragraph shall be suspended from duty by the head of the department concerned, without compensation, for not less than one month, and shall be suspended for a longer period or summarily removed from office if circumstances warrant. The limitations of this paragraph shall not apply to any motor vehicles or aircraft for official use of the President, the heads of the executive departments enumerated in 5 U. S. C. 1, ambassadors, ministers, chargés d'affaires, and other principal diplomatic and consular officials.

"(d) In the budgets for the fiscal year 1948 and subsequent fiscal years there shall be submitted in detail estimates for such necessary appropriations as are intended to be used for purchase or hire of passenger motor vehicles or for purchase, maintenance, or operation of aircraft, specifying the sums required, the public purposes for which said conveyances are intended, the number of currently owned conveyances to be continued in use, and the officials or employees by whom all of such conveyances are to be used.

"(e) The acquisition of aircraft or passenger motor vehicles by any agency by transfer from another department of the Government shall be considered as a purchase within the meaning hereof."

(b) The second paragraph of section 3 of the Act of March 18, 1904 (33 Stat. 142; 5 U. S. C. 77), is hereby repealed.

Section 4 of the Act of February 3, 1905 (33 Stat. 687; 5 U. S. C. 77), is hereby amended to read as follows:

"All motor vehicles acquired and used for official purposes of the departmental service in the District of Columbia shall have conspicuously imprinted thereon at all times the full name of the executive department or other branch of the public service to which the same belong and in the service of which the same are used."

SEC. 17. (a) The following statutes or parts of statutes are hereby repealed:

Sections 1779 and 192, as amended, of the Revised Statutes (5 U. S. C. 102);

The Act of January 21, 1881 (44 U. S. C. 323);

Section 3 of the Act of March 15, 1898 (31 U. S. C. 678).

(b) That portion of the Act of July 31, 1876, (44 U. S. C. 321; 19 Stat. 105), reading as follows: "and in no case of advertisement for contracts for the public service shall the same be published in any newspaper published and printed in the District of Columbia unless the supplies or labor covered by such advertisement are to be furnished or performed in said District of Columbia" is hereby amended by adding at the end thereof "or in the adjoining counties of Maryland or Virginia".

(c) That portion of the Act of June 23, 1906 (3 U. S. C. 43) reading as follows: "not exceeding \$25,000 per annum" is hereby amended to read, "not exceeding \$40,000 per annum".

SEC. 18. The word "department" as used in this Act shall be construed to include independent establishments, other agencies, wholly owned Government corporations (the transactions of which corporations shall be subject to the authorizations and limitations of this Act, except that section 9 shall apply to their administrative transactions only), and the government of the District of Columbia, but

shall not include the Senate, House of Representatives, or office of the Architect of the Capitol, or the officers or employees thereof. The words "continental United States" as used herein shall be construed to mean the forty-eight States and the District of Columbia. The word "Government" shall be construed to include the government of the District of Columbia. The word "appropriation" shall be construed as including funds made available by legislation under section 104 of the Government Corporation Control Act, approved December 6, 1945.

SEC. 19. Sections 1, 3, 4, 5, 7, 14, and 15 of this Act shall not apply to persons whose pay and allowances are established by the Pay Readjustment Act of 1942.

SEC. 20. Sections 1 and 2 of this Act shall become effective on the first day of the third calendar month following the enactment hereof.

Approved August 2, 1946.

STATINTL

CENTRAL INTELLIGENCE AGENCY
Washington 25, D. C.

rescinded by

12/27/49

16 November 1948

ADMINISTRATIVE INSTRUCTION
NUMBER [REDACTED]

STATINTL

SUBJECT: GRIEVANCES AND COMPLAINTS

Paragraph 3d(1), Administrative Instruction [REDACTED]

STATINTL

dated 27 October 1948, is changed to read as follows:

STATINTL

[REDACTED] Deputy Executive for Inspection
and Security, is designated as CIA Fair Employment Officer
under the provision of Executive Order No. 9980."

STATINTL

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:

[REDACTED]
Executive for
Administration and Management

DISTRIBUTION: ALL CIA EMPLOYEES